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Fourth Edition

Civil Government of Colorado

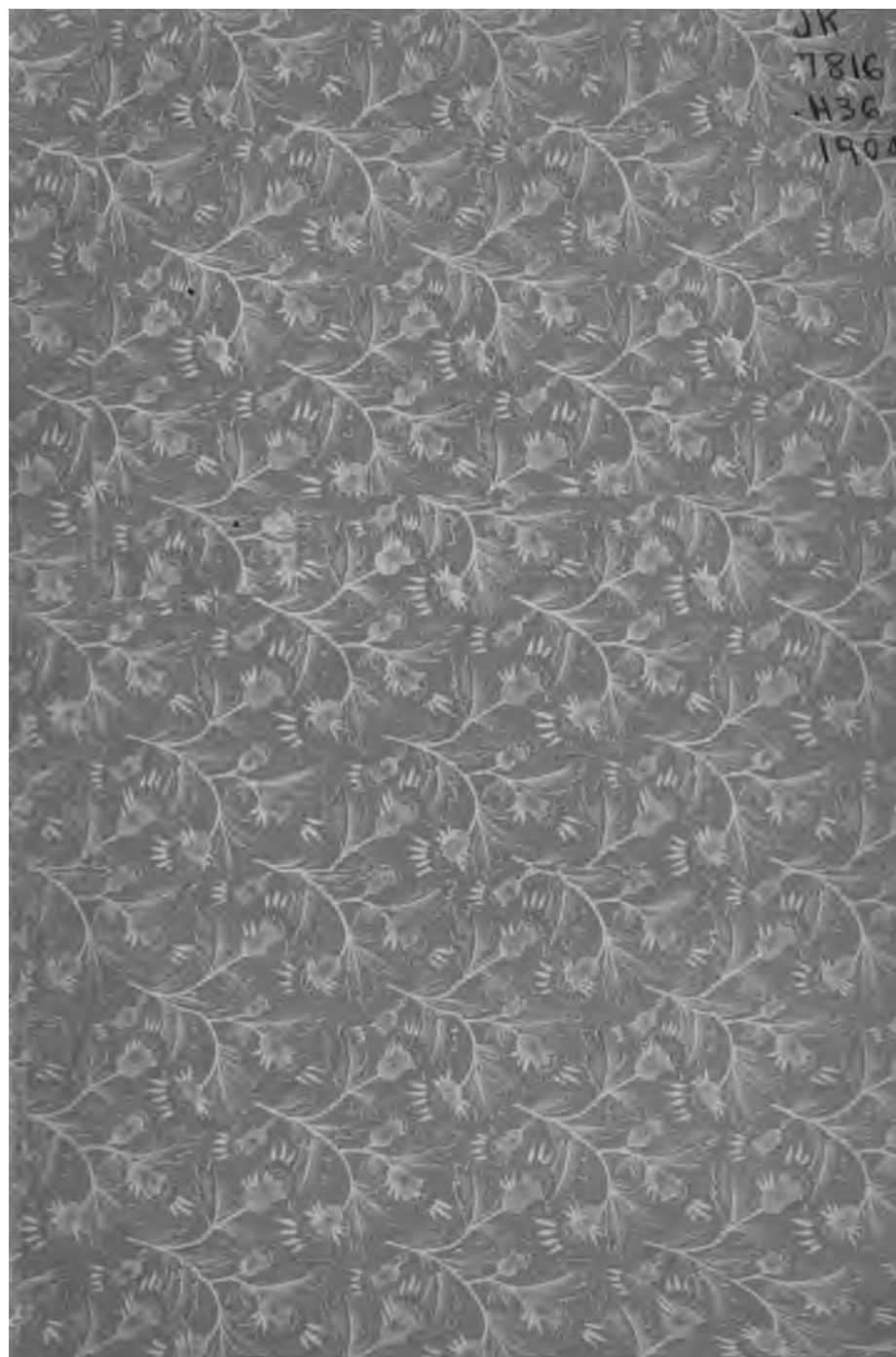
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CIVIL GOVERNMENT

OF

COLORADO.

—BY—

DORUS R. HATCH.

TENTH EDITION.

PUBLISHED BY
THE CENTENNIAL SCHOOL SUPPLY CO.
DENVER, COLO.
1904

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PREFACE TO THE TENTH EDITION.

THIS work aims to give only a brief sketch of the history of Colorado with the principal facts of the machinery of our State Government. The desire has been to be comprehensive and reliable and also brief. Since its first publication in 1892 it has been thoroughly revised, whenever important changes or additions have been made by acts of the General Assembly.

The present edition includes the legislative changes enacted by the Fourteenth General Assembly, including the Twentieth Amendment. No questions still in dispute are, of course, considered.

In the work of revision great care has been taken to have all statements in harmony with the facts at this date, but the publishers will be grateful to have pointed out to them any errors which may have crept into the text.

It is recommended that all copies of former editions now in use in our schools be replaced by the present edition, as many statements found in the previous editions are necessarily incorrect at this time and it is important that all texts of this character in use be as authoritative as possible.

THE PUBLISHERS.

Denver, February, 1904.

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THE STATE CAPITOL AT DENVER

CHAPTER I

THE STATE OF COLORADO.

Boundaries.—The State of Colorado includes the territory lying between the thirty-seventh and forty-first parallels of north latitude, and the twenty-fifth and thirty-second degrees of longitude west from Washington.

Acquisition.—This territory was acquired by the United States in three parcels. The north-eastern portion was a part of the Louisiana purchase from France in 1803. At that time its limits were not exactly defined. By the treaty of 1819 with Spain, the boundary between the United States and the Spanish possessions was described as “following the course of the southern bank of the Arkansas, to its source——.—— from the said source due south or north, as the case may be, till it meets the said parallel of latitude, 42°”. This defines the portion of Colorado acquired from France as that part lying north of the Arkansas River and east of that river and the meridian of its source.

When Texas was admitted into the Union in 1845, her territory was described as follows:—“All the land lying east of the Rio Grande and embraced within the limits of the Rio Grande on the west and south and the boundary between the United States and Spain under the Florida treaty of 1819, on the east.”

In 1850 Texas sold to the United States all her territory outside her present limits. This included

that portion of Colorado which is bounded on the north and east by the Arkansas River and on the south-west by the Rio Grande. The north-western boundary of this portion was not defined.

The rest of the State was included in the Mexican cession of 1848.

History of French cession.—The part of Colorado acquired from France remained a part of the Territory of Louisiana until 1812. Upon the admission of the State of Louisiana in that year, the remainder of the Louisiana purchase received the name of Missouri Territory. After the admission of the State of Missouri in 1821, what remained of the territory was still for many years known as Missouri. That part of the French cession now included in Colorado became parts of the territories of Kansas and Nebraska upon their organization in 1854.

History of Texan and Mexican cessions.—That part of Colorado west of the "summit of the Rocky Mountains" was included in the territory of Utah, organized in 1850. The rest of the Texan and Mexican cessions became parts of New Mexico and Kansas, organized respectively in 1850 and 1854.*

Territory organized.—After the increase of population following the gold excitement of 1858-9, measures were taken resulting in 1861 in the organization of the Territory of Colorado, with the boundaries of the present State.

*Nebraska included that part of Colorado east of the summit of the Rocky Mountains and north of parallel forty.

The boundary of Kansas followed the 37th parallel west to the 103d meridian west from Greenwich; thence north to latitude 38; thence west to the "summit of the Rocky Mountains"; thence north on said summit to parallel 40; thence east, etc.

The boundary of New Mexico followed the 103d meridian west from Greenwich north to parallel 38; thence west on that parallel to the summit of the Sierra Madre; thence south with the crest of said mountains to the 37th parallel.

Enabling act.—The act of Congress enabling Colorado to become a State received the approval of President Grant on March 3, 1875.

Constitutional convention.—The convention to form a state constitution met in Denver, December 20, 1875, and adopted a constitution March 14, 1876.

Adoption of Constitution by the people.—The Constitution was adopted by the people at an election held July 1, 1876.

Final admission.—The proclamation of President Grant, announcing the final admission of Colorado as a state, is dated August 1, 1876.

National officers.—As a state, Colorado became entitled to two United States Senators, one Representative in Congress and three Presidential Electors. By the apportionment made after the national census of 1900, Colorado became entitled to three Congressmen.* The Senators are elected by the General Assembly for terms of six years. A Congressman is elected by the voters of each of the two congressional districts; one, called Congressman at Large, is elected by the voters of the entire State. Congressmen serve two years. Presidential Electors, of which there are now four, are elected every fourth year by the voters of the State, to cast the vote of the State for President.

CHAPTER II.

THE CONSTITUTION.

Object of the Constitution.—In their Constitution, the people of Colorado declare the rights of individuals, establish a government and define its powers.

*The first congressional district consists of the counties of Adams, Boulder, Denver, Jefferson, Lake, Larimer, Morgan, Park, Phillips, Sedgwick, Arapahoe, Washington, Weld, Yuma. The rest of the State constitutes the second district.

Force of the Constitution.—The people are the source of political power. In the Constitution of the United States, the people grant certain powers pertaining to the whole nation, to the United States Government and deny certain other powers to the states. With these limitations the power of the people of a state is supreme and absolute and the state constitution is the supreme law. None of its provisions can be contrary to the Constitution of the United States and no law passed by the legislature of a state is valid if it conflicts with the state constitution.

Parts of the Constitution.—The Constitution of Colorado consists of a preamble, nineteen articles and a schedule.* Each article treats of a separate topic, as; The Executive Department, Education, Militia, etc. In the schedule provision was made for the transfer from the territorial to the state government.

Departments of government.—The Constitution provides for three departments of government; the Legislative, which makes the laws; the Executive, which carries the laws into effect; and the Judicial, which interprets and applies them.

Municipal corporations.—The Constitution provides for the establishment of divisions of the State, to which the control of local and minor affairs of government is given. These divisions are the county, school district, town and city. They receive the general name of municipal corporations. All the inhabitants in any one of these divisions are authorized to act in many respects as an individual. They can buy, hold and sell property, sue and be sued, make contracts, etc. They exercise such powers of government as are conferred upon them in the Constitution or by law.

* A twentieth article was added to the Constitution in 1902.

Powers of government, how exercised.—The powers of the state and municipal governments are exercised through officers either elected by the people or appointed directly or indirectly by officers who are elected by the people.

CHAPTER III.

PUBLIC OFFICERS.

Official oath.—An officer, before entering upon the duties of his office, is required to take an oath to support the Constitutions of the United States and of Colorado, and to faithfully perform the duties of his office.

Official bonds.—Most public officers, especially those who have the handling, custody or disposition of public money, are required to furnish an official bond. This is a writing binding the officer and those signing the bond with him to pay the State or the municipality of which he is an officer a certain sum of money. Attached to this obligation is a condition that if the officer performs the duties of his office faithfully, pays over money coming into his hands and delivers the books, records, etc. of his office to his successor, the obligation shall be void. Persons signing the bond with him are called his bondsmen, sureties or securities.

Qualifying.—Furnishing the bond, if any is required, and taking the oath, are called qualifying for the office.

Contest.—The election of an officer may be contested, that is, disputed before a court or other tribunal, on the ground of ineligibility, fraud at the election, error in counting the votes, etc.

Term of office.—The term of office of all elected and most appointed officers is fixed in the Constitution or by law. Some appointed officers hold office during the pleasure of the officer or board that appoints them. With few exceptions, officers both elected and appointed hold office until their successors are chosen and have qualified.

Pay of officers.—Some officers receive salaries from the public treasury, others are allowed to charge fees for their services. Many officers also receive mileage.*

Vacancies.—Vacancies in appointive offices are filled by the appointing power. In elective offices vacancies are filled by appointment by some officer designated by law, the appointee holding only until the next regular election at which such officers are voted for, when the vacancy is filled by election. Special elections are held to fill vacancies in the offices of member of the General Assembly, Representative in Congress and mayor of a city. A person elected to fill a vacancy holds office for the remainder of the unexpired term.

CHAPTER IV.

THE LEGISLATIVE DEPARTMENT.

General Assembly.—The General Assembly of Colorado is the body of men who are elected by the people of the State to make the laws. It consists of a Senate and a House of Representatives.

*Many officers formerly paid entirely by fees and receiving all the fees of their offices are now, by act of 1891, allowed a certain amount as salary, to be paid out of the fees collected by them. If the amount of fees is more than the salary fixed, the surplus is turned into the general fund. If the fees do not amount to this sum, the remainder is not made up to them. These officers are: District Attorney, Deputy District Attorney, Clerk of the District Court, County Judge, his clerks, County Treasurer, Sheriff, County Clerk, Justices and Constables.

Regular sessions.—The General Assembly meets in Denver on the first Wednesday of January of every odd-numbered year. The session of 1891 was the Eighth General Assembly.

Special sessions.—When necessary, the Governor may call together the General Assembly or the Senate alone, in special or extra session.

Length of sessions.—The Constitution limits the sessions of the General Assembly to ninety days.

Quorum.—In each house a majority of the members makes a quorum, *i. e.*, the number authorized to do business.

Journal.—Each house keeps a journal of its proceedings and publishes it, except such parts as require secrecy.

MEMBERS OF THE GENERAL ASSEMBLY.

Qualifications.—To be eligible to the General Assembly, a person must be (1) twenty-five years of age, (2) a citizen of the United States, (3) a qualified voter and (4) a resident for twelve months preceding his election, of the county or district in which he is chosen.

Election.—Members of the General Assembly are elected at the general election in even-numbered years.

Terms.—Senators are elected for four years, Representatives for two. Their terms begin on the first Wednesday of December after their election.

Privilege from arrest.—Members of the General Assembly cannot be arrested during their attendance at the sessions of their respective houses, or in going to and returning from the same, except for "treason,

felony, violation of their oath of office, and breach or surety of the peace”.

Freedom of speech.—“For any speech or debate in either house they shall not be questioned in any other place.” That is, for words spoken in debate, members cannot be held to answer in a court, as in an action for slander.

Disqualifications.—No member of the General Assembly can be appointed during his term to any civil office under the State.

No officer of the United States or of this State (except attorney-at-law, notary public or in the militia) can be a member of the General Assembly during his continuance in office.

Vacancies.—When vacancies occur in either house, the Governor issues writs ordering special elections to fill them.

Pay.—The pay of members of the General Assembly is seven dollars a day and fifteen cents mileage. This amount may be changed by law but no General Assembly can fix the pay of its own members.

OFFICERS OF LEGISLATIVE BODIES.

Legislative bodies in general have:—A presiding officer who preserves order, enforces the rules of the house and of parliamentary law, directs the business according to the order prescribed by the house, appoints committees, etc.,

A secretary or chief clerk, with subordinates to keep the records, read the bills, call the roll, etc.,

A sergeant-at-arms, who is the executive or police officer of the house,

A door-keeper, with assistants to permit only certain persons to pass through the doors,

- A chaplain to conduct the religious exercises,
- And pages to do errands for members and officers.

PARLIAMENTARY LAW.

The system of government under which English-speaking people live makes necessary frequent meetings of men for legislation or consultation. A set of rules to govern such meetings is necessary. The practices of the English Parliament were taken as a basis and have grown into an extensive and intricate system of rules, known as parliamentary law. Every assembly is understood to have a right to make its own rules, but when it does not, the common parliamentary law governs, not from any legal force, but from common consent and from the necessity of having some kind of rules. **The principal book of reference in the United States on parliamentary law is Jefferson's Manual of Parliamentary Practice, which is used as authority by both houses of our General Assembly.**

COMMITTEES.

Definition.—A committee of a legislative house is one or more of its members, elected or appointed to consider and report upon a particular piece or class of business.

Standing committees.—Standing committees are such as are chosen at the beginning of a session and continue during the whole session to consider and report upon all business referred to them.

Select committees.—Committees appointed temporarily to consider one piece of business are called select or special committees. They are usually discharged, *i. e.*, cease to be committees, when they have reported upon the business referred to them.

THE SENATE.

Senatorial districts.—The state is divided into twenty-nine senatorial districts in which are elected thirty-five senators.* No county can be divided in forming senatorial districts.

Rotation.—It is so arranged that the terms of half the senators expire and successors are elected every even-numbered year. The term being four years, one-half the senators of any General Assembly were members of the preceding General Assembly and the-half will be members of the next one.

Confirming power.—Many offices are filled by appointment by the Governor with the consent of the Senate. The Governor, having selected a person to fill such an office, sends a message to the Senate announcing the nomination. If a majority of the Senate vote for the nomination it is confirmed. If it does not get a majority vote, the Governor must make another appointment. If a vacancy occurs in such an office when the Senate is not in session, the Governor appoints a person to fill it, who holds the office only until the next session of the Senate, when the vacancy must be filled as above.

Presiding officer.—The Lieutenant-Governor, is presiding officer of the Senate. He votes only when the Senate is equally divided.

*The Constitution fixed forty-nine as the number of members of the House of Representatives and twenty-six as the number of senators, but provided that the total number might be increased by law to one hundred. This was done in 1891.

The senatorial districts and number of senators to which each is entitled are as follows: First, Adams and Denver counties, 6; second, Pueblo Co., 1; third, El Paso and Teller Co's, 2; fourth, Las Animas Co., 1; fifth, Boulder Co., 1; sixth, Lake Co., 1; seventh, Weld Co., 1; eighth, Jefferson and Clear Creek Co's, 1; ninth, Fremont Co., 1; tenth, Larimer and Boulder Co's, 1; eleventh, Pitkin and Gunnison Co's, 1; twelfth, Sedgwick, Phillips, Yuma, Washington, Logan, Morgan and Adams counties, 1; thirteenth, Eagle, Routt, Grand and Summit Co's, 1; fourteenth, Costilla, Huerfano and Conejos Co's, 1; fifteenth, Saguache, Mineral and Rio Grande Co's, 1; sixteenth, Mesa and Delta Co's, 1; seventeenth, Montrose, San Miguel and Dolores Co's, 1; eighteenth, Ouray, San Juan, Hinsdale and Archuleta Co's, 1; nineteenth, La Plata and Montezuma Co's, 1; twentieth, Chaffee and Park Co's, 1; twenty-first, Garfield, Eagle and Rio Blanco Co's, 1; twenty-second, Cheyenne, Elbert, Lincoln, Kit Carson, Kiowa and Arapahoe Co's, 1; twenty-third, Otero Co., 1; twenty-fourth, Conejos Co., 1; twenty-fifth, Bent, Prowers, Baca and Las Animas Co's, 1; twenty-sixth, Gilpin, Boulder, Jefferson and Clear Creek Co's, 1; twenty-seventh, Pueblo and Custer Co's, 1; twenty-eighth, Douglas, El Paso and Teller Co's, 1; twenty-ninth, Pueblo, Fremont and Teller Co's, 1.

President pro tempore.—On the first and last days of each session the Senate elects one of its members President *pro tempore*. He presides when the Lieutenant-Governor is absent. He votes as a member.

Committees, how chosen.—The Senate elects its standing committees. The presiding officer appoints all other committees, unless the Senate orders otherwise.

THE HOUSE OF REPRESENTATIVES.

Apportionment.—The sixty-five representatives are apportioned among the counties of the State.* In this apportionment no county can be divided.

Revenue bills.—All bills for raising revenue must originate in the House of Representatives.

Speaker of the House.—The presiding officer of the House is called the Speaker. He is elected by the House from among its members and votes as a member.

POWERS AND DUTIES OF THE GENERAL ASSEMBLY.

The principal duty of the General Assembly is to make laws. Besides this it (1) impeaches state officers, (2) elects United States Senators and (3) canvasses the votes for the officers of the executive department and tries contests of the election of such officers.

LEGISLATION.

Object of laws.—It is the duty of the General Assembly to make such laws as are necessary to the

*The representatives are apportioned as follows: Arapahoe, Adams and Denver, 11; Archuleta and Conejos, 1; Bent and Kiowa, 1; Chaffee, 1; Fremont, 1; Chaffee and Fremont, 1; Clear Creek, 1; Costilla and Huerfano, 1; Custer, 1; Delta, 1; Dolores and Montezuma, 1; Eagle, 1; El Paso and Teller, 6; Garfield, 1; Gilpin, 1; Gunnison, 1; Hinsdale and Mineral, 1; Jefferson, 1; Lake, 2; La Plata, 1; Larimer, 1; Las Animas, 2; Mesa, 1; Montrose, 1; Otero, 1; Ouray, 1; Park, 1; Pitkin, 1; Pueblo, 3; Rio Grande, 1; Saguache, 1; San Juan, 1; San Miguel, 1; Weld, 2; Prowers, Baca and Las Animas, 1; Routt and Rio Blanco, 1; Summit and Grand, 1; Sedgwick, Phillips, Yuma and Arapahoe, 1; Douglas, 1; Logan, Washington, Morgan and Arapahoe, 1; Elbert, Lincoln, Kit Carson, Cheyenne, Boulder and Arapahoe, 1; Boulder, 2; Boulder and Arapahoe, 1.

welfare of the people, such as: laws levying the necessary taxes, making appropriations of public money, regulating the government of municipal corporations, and the proceedings of courts; securing the rights of persons and property, preserving the public health and safety, etc.

Restrictions on legislation.—Besides the restrictions on state legislation contained in the Constitution of the United States, the State Constitution prohibits the passing of local and special laws in many cases enumerated in the Constitution and in all cases in which a general law can be made applicable. For instance, the General Assembly cannot pass a law removing the county seat of a certain county. The law on the subject must be a general one, under the provisions of which the county seat of any county may be removed.

METHOD OF PASSING BILLS.

Bill defined.—A bill is the form of a law proposed to a legislative assembly.

Restrictions on passage.—The Constitution contains the following restrictions on the passage of bills.

1. No bill except the general appropriation bill can become a law unless introduced during the first thirty days of the session.

2. No bill can become a law unless referred to a committee, returned therefrom and printed for the use of the members.

3. It must pertain to but one subject, which must be set forth in its title.

4. It must be read at length on two different days in each house.

5. A majority vote of all the members elected to each house is required to pass a bill. The final vote

must be taken by ayes and noes, and the names of those voting for and against it must be entered on the journal.

6. When passed it must be signed by the presiding officers in the presence of their respective houses.

Governor's action.—It is then sent to the Governor. If he approves it, he signs it and it becomes a law.

If the Governor disapproves of a bill, he vetoes it, *i. e.*, returns it to the house in which it originated, with his objections in writing. The bill is reconsidered by this house and if two-thirds of the members elected, vote for it, it is sent to the other house. If it there gets a like majority, it becomes a law without the Governor's signature.

If the Governor does not return the bill within ten days, it becomes a law without his signature, unless the General Assembly adjourns meanwhile, in which case the Governor must file the bill and his objections to it with the Secretary of State within thirty days after adjournment; otherwise it becomes a law.

Emergency clause.—No law takes effect until ninety days after its passage except in case of emergency. There must be a clause in the bill stating the emergency. This clause is voted on separately and requires a two-thirds majority.

PUBLICATION OF LAWS.

The laws of the State of Colorado have been twice collected at public expense and published in one volume. The last publication was in 1883, under the title of "The General Statutes of the State of Colorado". The volume contains also the Constitutions of the United States and of Colorado, the Declaration of Independence, the Enabling Act and the Proclamation of Admission.

The laws of each session of the General Assembly are printed in a separate volume. These, as well as the General Statutes, are distributed free to state, district, county and precinct officers.

CHANGES IN THE CONSTITUTION.

Revision.—Section I of Article XIX of the Constitution provides a method of calling a convention to “revise, alter and amend” the Constitution. No such convention has ever been held.

Amendment.—Amendments to the Constitution may be proposed by a law requiring a two-thirds vote of each house of the General Assembly. The Secretary of State publishes such proposed amendments in each county for four weeks preceding the next general election at which members of the General Assembly are elected and they are voted on at such election. If they receive a majority of the votes cast, they become a part of the Constitution. The General Assembly cannot propose amendments to more than six articles of the Constitution at the same session.

CENSUS AND APPORTIONMENT.

State census.—The General Assembly is required by the Constitution to provide by law for a census of the inhabitants of the State in the year 1885 and every tenth year thereafter.

National census.—The National census is taken in years whose numbers end with 0.

Apportionment.—At the session following each state and national census, the General Assembly is required to apportion anew the senators and representatives among the people and counties of the State.

IMPEACHMENT.

State officers may be impeached. The House of Representatives impeaches, or accuses; the Senate

tries the case; the punishment is removal from office and disqualification for holding office. No case of impeachment has yet occurred. See Article XIII of the Constitution.

ELECTION OF UNITED STATES SENATORS.

The General Assembly elects the two representatives of the State in the Senate of the United States.

Provisions of the U. S. Constitution.—The Constitution of the United States leaves the regulation of the times, places and manner of holding elections for United States senators in the several states, to the legislatures of the states, but provides that Congress may make or alter such regulations, except as to the place of electing senators.

U. S. law.—Congress has provided that the legislature of a state at the session next preceding the expiration of the term of a United States senator, shall elect a successor as follows: On the second Tuesday after organization, each house votes separately by a *viva voce* vote for a senator.* The name of the person receiving a majority of the votes given is entered on the journal. And if no person receives a majority, that fact is entered on the journal. The next day at noon the houses meet in joint convention and the journals are read. If no person has received a majority of the votes of both houses, the joint convention votes *viva voce* for a senator, and continues to meet for this purpose at noon of each succeeding day of the session until a senator is elected.

Vacancy.—If a vacancy occurs in the office of United States senator when the General Assembly is not in session, the Governor appoints a person to fill

**Viva voce*, by the living voice. A *viva voce* vote is taken by calling the roll, each member responding when his name is called. When a senator is voted for, each member responds by naming the person for whom he votes.

it until the next session of the General Assembly, when a senator is elected as above.

CANVASS OF VOTES FOR EXECUTIVE OFFICERS.

The abstracts of the votes cast for state executive officers in the various counties, are sent by the county clerks to the Secretary of State, directed to the Speaker of the House of Representatives. After the organization of the House, the Secretary of State delivers these returns to the Speaker. They are opened and read in the presence of both houses of the General Assembly and the persons having the highest number of votes for the offices respectively are declared elected thereto.

Contests.—The General Assembly in joint session tries contested elections of state executive officers.

CHAPTER V.

THE EXECUTIVE DEPARTMENT.

Officers.—The executive department of the state government consists of the Governor, Lieutenant-Governor, Secretary of State, State Treasurer, State Auditor, Superintendent of Public Instruction and Attorney-General.

Election.—These officers are elected at the general election in even-numbered years.

Term.—The term of the executive officers is two years, beginning the second Tuesday in January after their election.

Qualifications.—To be eligible to these offices a person must be (1) a qualified elector, (2) a citizen of the United States and (3) must have resided in the State two years next preceding his election. No person can become Governor, Lieutenant-Governor or Super-

intendent of Public Instruction unless thirty years of age; nor Auditor, Treasurer or Secretary of State unless twenty-five years of age; nor Attorney-General unless twenty-five years of age and a licensed attorney.

Neither Treasurer nor Auditor can be elected as his own immediate successor.

Vacancies.—If the office of Secretary of State, Auditor, Treasurer, Attorney-General or Superintendent of Public Instruction becomes vacant, the Governor appoints a person to fill the vacancy.

THE GOVERNOR.

Supreme executive.—The supreme executive power of the State is vested in the Governor. The Constitution provides that he “shall take care that the laws be faithfully executed”.

Commander-in-Chief of militia.—The Governor is Commander-in-Chief of the militia of the State except when it is called into the actual service of the United States. He has power to call out the militia to execute the laws, suppress insurrection or repel invasion. He signs all commissions issued to officers of the militia.

Appointing power.—The Governor appoints many of the officers of the state government. Most of these appointments must be confirmed by the Senate.

Removing power.—The Governor may remove from office any officer appointed by him either with or without the consent of the Senate, for “incompetency, neglect of duty or malfeasance in office”.

Pardoning power.—The Governor has power to grant reprieves and pardons for all offenses after conviction, except treason and except in cases of impeachment.

Legislative powers.—The Governor’s veto power and power to convene the General Assembly have

been mentioned. The Governor also has power to adjourn the General Assembly if the two houses disagree as to the time of adjournment.

Message.—It is the duty of the Governor to send to the General Assembly, at the beginning of every session and from time to time, messages giving information of the condition of the State and recommending legislative measures. He presents also an estimate of the amount of money required to be raised by taxation for state purposes.

Other powers.—When arson or murder has been committed, the Governor has power to offer rewards for the criminals. He issues warrants for the arrest and delivery of criminals from other states or territories. He has power to examine the books of the State Treasurer or Auditor, to demand information of the officers of the executive department or of state institutions, and to employ counsel on behalf of the State. He commissions officers appointed by him, signs state land patents, is a member of state boards, etc.

Vacancy.—If the office of Governor becomes vacant, the Lieutenant-Governor becomes Governor. If a vacancy then occur, the president *pro tempore* of the Senate succeeds to the office and after him the Speaker of the House of Representatives.

Salary.—The salary of the Governor is \$5,000 a year.

LIEUTENANT-GOVERNOR.

The Lieutenant-Governor presides over the Senate and becomes Governor in case of a vacancy in that office. His salary is \$1,000 per year.

SECRETARY OF STATE.

Duties.—Some of the important duties of the Secretary of State are:

1. To keep the laws passed by the General Assembly,
2. To keep the great seal of the State, which can be lawfully affixed by no other person,
3. To record in his office, public papers, maps, bonds, trade-marks or manufacturers' brands, commissions issued by the Governor, certificates of incorporation, etc.,
4. To notify county clerks of general elections and the state and national officers to be voted for thereat and the names of nominees certified to him, receive and transmit election returns and issue certificates of election upon the statement of the State Board of Canvassers.

Salary.—The salary of the Secretary of State is \$3,000 per year.

STATE TREASURER.

Duties.—The most important duties of the State Treasurer are:

1. To receive and keep money belonging to the State, and pay it out upon the warrant of the State Auditor and otherwise, as provided by law,
2. To countersign and keep a record of all warrants issued by the State Auditor,
3. To make the Auditor a daily report of the money paid out, and a monthly report of money received and paid out and warrants registered.

Bond.—The State Treasurer gives a bond of \$1,000,000.

Salary.—His salary is \$6,000 a year.

STATE AUDITOR.

Duties.—The Auditor is general accountant of the State.

1. He examines claims against the State, and if a claim is good and there is an appropriation for the purpose, he issues a warrant on the Treasurer for the amount.

2. He issues to insurance companies certificates of authority to do business, and has power to examine their officers under oath and their books, and to revoke their certificates if he finds their affairs in an unsound condition.

Salary.—His salary is \$3,000 a year.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Duties.—The important duties of the State Superintendent are;

1. To furnish to county superintendents of schools lists of questions to be used in the examinations of teachers,

2. By visiting the various counties, making public addresses, etc., to awaken an interest in, and improve the condition of, the public schools of the State,

3. To furnish decisions on points of school law, which are final until set aside by a court or by legislation,

4. To apportion the income of the state school fund among the counties.

Salary.—His salary is \$3,000 a year.

ATTORNEY-GENERAL.

Duties.—The principal duties of the Attorney-General are:

1. To appear for the State and the executive departments in legal actions,

2. To give written opinions on points of law at the request of the General Assembly, Governor or other executive officer.

Salary.—His salary is \$3,000 a year.

STATE BOARD OF CANVASSERS.*

Duties.—This board meets after every election at which state and national officers are elected, examines the returns made by the county clerks, makes a statement therefrom of the number of votes given each candidate, determines which persons have been elected, certifies this statement and determination and delivers it to the Secretary of State. This board does not canvass the vote for executive officers.

STATE BOARD OF EDUCATION.

Powers.—This Board has power:

1. To make regulations not inconsistent with law, for the government of the public schools,
2. To grant, upon examination or after five years eminent service in the educational work of the State, state diplomas, entitling the holder to teach in any public school in the State without further examination, (A state diploma is good for the life of the holder, but may be revoked by the State Board of Education.)
3. To hear appeals from the decisions of county superintendents. Its decisions are final.

STATE BOARD OF EQUALIZATION.

Assessments.—This board assesses the railroad, telegraph and telephone lines of the State, sending to each county clerk a statement of the valuation of the parts of such lines lying in his county.

Equalization.—If a comparison of the values at which similar property is assessed in different counties

*The officers composing these boards are as follows:

State Board of Canvassers.—Governor, Secretary of State, Treasurer, Auditor and Attorney-General.

State Board of Education.—Superintendent of Public Instruction, Secretary of State and Attorney-General.

State Board of Equalization.—Governor, Secretary of State, Treasurer, Auditor and Attorney-General.

State Board of Land Commissioners.—Governor, Secretary of State, Superintendent of Public Instruction and Attorney-General.

shows that some counties are paying more than their just proportion of state tax, this board equalizes the assessment by increasing or decreasing the valuations in the several counties. The total valuation for the State, as returned by the assessors, cannot be decreased by this board.

STATE BOARD OF LAND COMMISSIONERS.

Powers.—This board has general control of the lands belonging to the State; locates and selects grants of land, keeps maps, plats and records of the same, and has power to lease state lands or direct their sale.

THE STATE MILITIA.

Of whom composed.—Every able-bodied male citizen of Colorado and those who have declared their intention to become citizens of the United States, between the ages of eighteen and forty-five, unless exempt by law, is liable to military duty.*

By whom called out.—The Governor has power to call out the militia to execute the laws, suppress insurrection or repel invasion.

In case of a riot or mob or forcible resistance to the law which the civil authorities are unable to suppress, the sheriff may call out the militia.

Colorado National Guard.—Military organizations are kept up in many towns in the State. These are armed and equipped by the State. They are together known as the Colorado National Guard and are called

*The classes of persons named below are exempt from military duty:

Persons in the army and navy of the United States and those who have been honorably discharged therefrom; persons who have served five years in the organized militia; members of fire and police departments and those who have served a full term as firemen; persons physically disqualified, idiots, lunatics, convicts, justices, clerks of courts, county clerks, sheriffs, ministers and members of churches which prohibit military service; physicians, officers of hospitals, prisons and jails; railway conductors and engineers.

Ministers, judges, state and county officers, and teachers in institutions or the public schools are exempt except in case of war, insurrection or rebellion.

out before the unorganized militia. These companies are required by law to drill and to hold an annual encampment of a week.

Pay.—Members of the organized militia receive pay when called into actual service and during the annual encampment.

Military fund.—The expense of the militia is met by an annual poll-tax of one dollar, the proceeds of which make up the military fund.

APPOINTED OFFICERS.

The following named officers are the principal ones appointed by the Governor. Those marked with a dagger must be confirmed by the Senate. The others are appointed by the Governor alone.

Reports.—Most of these officers make annual or biennial reports to the Governor, some of which are printed for free distribution.

Adjutant-General.—The Adjutant-General is the officer through whom the Governor, as Commander-in-Chief, communicates with the militia. He has the care of the military property of the State and makes an annual report of the militia to the Governor and to the President of the United States.

Inspector-General.—The Inspector-General inspects each military organization in the State, the arms, armories, etc., at least once a year. He is paymaster of the militia.

Water commissioners.—The irrigated lands of the State are divided by law into water districts, for each of which the Governor appoints a water commissioner from among persons recommended to him by the county commissioners of the county or counties in which such district lies.

The principal duty of the water commissioner is to divide the water among the ditches according to

priority of right. He has power to arrest persons violating his orders in regard to the use of water for irrigation.

The pay of water commissioners is five dollars a day for time actually employed.

Irrigation Division Engineers.—The water districts are grouped into five irrigation divisions,* for each of which an irrigation division engineer is appointed for two years, from applicants who pass an examination set by the State Engineer.

State Engineer.—The State Engineer has general supervision over superintendents of irrigation and water commissioners. It is his duty to measure the amount of water flowing in streams from which water is taken for irrigation.

He is designated by law to do the engineering work in which the State is interested, such as, the location of state ditches, roads, reservoirs and bridges; he is a member of the boards having charge of their construction and inspects them after completion.

Game and Fish Commissioner.—This officer appoints a Superintendent of the State Fish Hatcheries, who has the supervision of all fish cultural matters of the state, receives and distributes eggs and young fish, etc.

The Commissioner's especial duty is to protect the game of the State against those who violate the law by killing game out of season. For this purpose he appoints assistants known as Game Wardens.

*These divisions are numbered from one to five and are made up of lands irrigated by the following named streams: Division 1, South Platte, North Platte, Big Laramie and some others; 2, Arkansas, South Fork of the Republican, Smoky Hill, dry Cimarron; 3, Rio Grande; 4, San Juan and part of Grand; 5, Green and part of Grand.

Coal Mine Inspector.—It is the duty of the Coal Mine Inspector to inspect each coal mine in the State employing more than ten men, once every three months, to see that the law regarding coal mines is observed. He is expected to investigate and fix the responsibility for accidents occurring in coal mines.

State Veterinary Surgeon.†—This officer investigates diseases of stock, prescribes remedies and precautions to prevent the spreading of such diseases and carries out the regulations of the State Veterinary Sanitary Board.

Steam Boiler Inspector.†—It is the duty of this officer personally or by deputy to inspect once a year all steam boilers in the State, except in cities having boiler inspectors. Finding a boiler safe, he issues a certificate to that effect good for one year. Boilers condemned by him cannot be used.

State Board of Medical Examiners.—This board consists of nine physicians. It issues certificates entitling the holders to practice medicine in the State, to persons having diplomas from medical colleges, to persons who furnish evidence of having practiced for ten years and to others whom by examination it finds qualified.

State Board of Pharmacy.—This board examines and grants certificates to pharmacists and assistant pharmacists. It is unlawful for any person not a registered pharmacist to retail or compound drugs and medicines. This board keeps a register of the pharmacists and assistant pharmacists of the State and collects from them an annual fee for their certificates.

State Veterinary Sanitary Board.†—This board takes measures to prevent the introduction and spread of infectious and contagious diseases among stock, appoints county sheep inspectors, adopts quarantine

regulations against diseases of stock and may order diseased stock to be killed.

Board of Inspection Commissioners.—This board appoints and stations cattle inspectors to prevent the illegal slaughtering or shipping of cattle, makes rules for their government and furnishes them with lists of brands. The inspectors are paid out of an inspection fund which is supplied by an annual inspection tax of one-fifteenth of one mill on the dollar on all taxable property in the State.

State Board of Dental Examiners.†—A State Board of Dental Examiners consisting of five members, issues to those whom by examination it finds qualified, licenses permitting them to practice dentistry.

State Board of Charities and Corrections.†—This board consists of the Governor and six other members appointed by him. This board has power to investigate the management of all public jails, penitentiaries, reformatories, reform schools, infirmaries, hospitals and asylums, and to issue licenses to all private charitable institutions and inquire into their conduct. All plans for buildings for such institutions must be approved by this board.

Notaries public.—One or more notaries public are appointed in each county. They take acknowledgments and depositions, administer oaths, etc. They are paid by fees.

CHAPTER VI.

THE JUDICIAL DEPARTMENT.

Courts of the State.—The judicial power of the State is vested in justices of the peace, county courts, district courts, a Supreme Court and "such other courts as may be provided by law". The other courts

that have been provided are police courts and the Court of Appeals.

Clerks of courts.—Each of these courts except justices' courts and police courts in cities of less than 50,000 inhabitants, has a clerk appointed by the judge and holding during his pleasure. The duties of the clerk are to keep the records, file papers, keep and affix the seal of the court, administer oaths, etc.

Executive officers.—The sheriff is executive officer of the county and district courts. He or his deputy opens and closes them, keeps order in the court room, serves papers issued from them, has charge of juries and prisoners, etc. Constables perform like duties in justices' courts and the marshal or a policeman in police courts. The Supreme Court and Court of Appeals each appoints its own executive officer called a bailiff.

THE SUPREME COURT.

The highest legal tribunal in the State is the Supreme Court.

Supreme judges.—The Supreme Court consists of three judges. One judge is elected every three years for a term of nine years.

Qualifications.—A supreme judge must be, (1) learned in the law, (2) thirty years of age, (3) a citizen of the United States and (4) a resident of the State for two years preceding his election.

Chief-Justice.—The judge having the shortest term to serve, unless chosen to fill a vacancy, is Chief-Justice.

Vacancy.—When a vacancy occurs on the supreme bench, the Governor appoints a person to fill it.

Salary.—Supreme judges receive \$5,000 a year

Terms of Supreme Court.—Three terms of the

Supreme Court are held every year in Denver. The court may provide for the holding of special terms.

Jurisdiction.—The Supreme Court has power to issue, hear and determine writs of *habeas corpus*, *mandamus*, injunction, etc. It has original jurisdiction in proceedings instituted to contest the election of any person to the office of supreme, district or county judge. With these exceptions it has appellate jurisdiction only. Appeals lie to the Supreme Court in all cases in which the amount in controversy is more than \$2,500, or (2) which involve the construction of a provision of the State Constitution or that of the United States, or (3) which relate to a franchise or freehold, or (4) cases brought up from the county court on writs of error. The Supreme Court exercises general superintending control over all inferior courts.

Licensing attorneys.—No person is permitted to practice law unless licensed by the Supreme Court. That Court may license without examination persons having licenses to practice in other states. Others are required to take an examination. The Clerk of the Supreme Court keeps a record of the attorneys of the State, from which that court may strike attorneys' names for "malconduct in office."

Constitutionality of bills.—When there is a doubt as to the constitutionality of a bill, the Supreme Court is required to give its opinion on the subject when called upon by the Governor, Senate or House of Representatives.

Supreme court reports.—The decisions of the Supreme Court are very important because they determine finally the meaning and constitutionality of laws. They are therefore printed and offered for

sale. All courts of record in the State are supplied with these reports by the State.

THE COURT OF APPEALS.

Judges.—The Court of Appeals consists of three judges, appointed one every two years by the Governor with the consent of the Senate. They serve six years. They must have the same qualifications as judges of the Supreme Court and receive the same salary.

Jurisdiction.—1. This court has power to review the final judgments of inferior courts of record in all civil cases and in all criminal cases not capital.

2. It has final jurisdiction when the amount involved is \$2,500 or less.

3. It has jurisdiction not final, when a franchise, freehold or construction of the State or U. S. Constitution is involved, in criminal cases and of writs of error from the county court.

THE DISTRICT COURT.

Judicial districts.—The State is divided by law into judicial districts, in each of which one or more judges are elected for terms of six years and a district attorney for four years.*

Qualifications of district judge.—The district judge must be (1) learned in the law, (2) thirty years of age, (3) a citizen of the United States, (4) a resident in the State for two years and (5) an elector in the district for which he is chosen.

*There are thirteen judicial districts: 1, Clear Creek, Gilpin, Jefferson, Grand and Arapahoe Counties. 2, Denver, five judges. 3, Las Animas, Huerfano, Prowers, Bent and Baca. 4, Douglas, Elbert, El Paso, Cheyenne, Lincoln, Kit Carson and Teller, three judges. 5, Lake, Summit and Eagle. 6, La Plata, San Juan, Archuleta, Dolores and Montezuma. 7, Delta, Montrose, Gunnison, Ouray, San Miguel and Hinsdale. 8, Boulder, Weld, Larimer and Morgan, two judges. 9, Pitkin, Garfield, Routt and Rio Blanco. 10, Pueblo, Otero and Kiowa, two judges. 11, Fremont, Chaffee, Custer and Park. 12, Conejos, Rio Grande, Saguache, Costilla and Mineral. 13, Washington, Yuma, Sedgwick, Phillips, Logan and Adams.

Vacancy.—Vacancies in the office of district judge are filled by appointment by the Governor.

Salary.—The salary of the district judge is \$4,000 a year.

Qualifications of district attorney.—The district attorney must be twenty-five years of age and have the other qualifications of district judge.

His duties.—The district attorney is the attorney for the people in all criminal suits in the district courts of his district, and appears for the State or any county of his district in all other matters before the district court. He appears at all inquests held in his district and in preliminary examinations when felony is charged. He may also prosecute misdemeanor cases upon information before the county court.

Vacancy.—When a vacancy occurs in the office of district attorney, the district judge appoints an attorney to fill it.

Clerk of the district court.—The district judge appoints a clerk of the district court in each county of his district.

Terms of district court.—At least one term of district court is held in each county every year. Special terms may be held when the judge deems it necessary.

Original jurisdiction.—The district court has original jurisdiction in all matters both civil and criminal. It has exclusive original jurisdiction of capital criminal cases.

Appellate jurisdiction.—An appeal may be taken to the district court from any final judgment of the county court including probate matters, except judg-

ments by confession and except in cases appealed from a justice.

Change of venue.—Changes of venue may be taken from the district court to the district court of another district or county.

Selection of jurors.—Jurors are chosen by lot by the clerk of the district court from lists furnished by the county commissioners. They are summoned by the sheriff and are obliged to serve unless excused by the judge.

Grand jury.—The grand jury consists of twelve men. They hear evidence against accused persons and if nine of them deem it sufficient they advise the court in a paper called an indictment to put the accused on trial. The grand jury is advised by the district attorney, hears no evidence in defence and its sessions are secret. Grand juries are called only when ordered by the judge.

Petit jury.—A petit jury usually consists of twelve men. Their duty is to hear the evidence on both sides of the cases presented to them and decide the cases according to the evidence and the instructions of the court. The judge explains the law to them. Their decision is called a verdict and requires the consent of every juror. The judge may dispense with the petit jury at any term of court if the business does not require one.

Who are competent jurors.—“All male inhabitants of this State of the age of twenty-one years, who are citizens of the United States or have declared their intention to become such citizens, and who have not been convicted of felony shall be competent to serve

as grand and petit jurors." Many persons are exempt by law from jury duty.*

Challenge of juror.—Each party to a suit has a right to reject a certain number of jurors. When this is done without assigning any reason, it is called a 'peremptory challenge'. The number of such challenges is limited. When objection is made to a juror on the ground that he is not qualified or is not a fit person to be a juror in the case, for instance, because of relationship to either party or of interest in the result of the suit, it is called a 'challenge for cause.' There is no limit to the number of challenges for cause.

Fees of jurors and witnesses.—In all courts jurors and witnesses receive pay for their services and mileage.

THE COUNTY COURT.

A county court is established in each county. It is held at the county seat and is presided over by the county judge.

County judge.—The judge must have the qualifications of county officers. He is elected by the voters of the county for a term of four years.

Original jurisdiction.—The county court has original jurisdiction (1) in all matters of probate, that is, proof of wills, settlement of the estates of deceased persons, appointment of guardians, conservators and administrators and the settlement of their accounts, (2) in other civil cases including divorce matters when the amount involved does not exceed \$2,000, (3) in misdemeanor cases, (4) in contested elections of county, town and precinct officers, (5) in cases of juvenile delinquency, and (6) in criminal cases in which the accused is a minor.

*Among those exempt are: county and state officers, judges and clerks of courts, justices and constables, attorneys, persons over sixty, active members of fire companies, those who have been active members of fire companies for five years, members of the Colorado National Guard and those who have served five years in the organized militia, engineers, conductors and superintendents on railroads, pharmacists and persons who have served as regular jurors within a year.

Appellate jurisdiction.—Cases may be appealed from justices' and police courts to the county court.

Jury.—In any suit before the county court either party may have a jury summoned of any number from three to twelve. The law provides that jurors for the county court shall be drawn by the clerk of the district court and summoned by the sheriff. They are however usually summoned by open *venire*.

Record.—The county judge keeps a record of all wills and other documents relating to the settlement of estates, and of the proceedings of his court, which record is open to inspection.

Vacancy.—The county commissioners fill vacancies in the office of county judge.

Clerk of county court.—The county judge may appoint a clerk of the county court or perform the duties of clerk himself.

JUSTICES' COURTS.

Justices' precincts.—The county commissioners divide the county into justices' precincts in each of which justices of the peace and constables are elected.* Their term of office is two years. Each precinct has two justices and two constables.

Powers of justice.—Among the powers of a justice of the peace are:

1. To try civil cases in which the amount involved does not exceed \$300, and in which the boundaries or title to real estate are not called in question,
2. To try minor criminal offences, such as, assault, assault and battery, petit larceny, etc.,

*The Constitution provides that in precincts containing 5,000 inhabitants or more the number of justices and constables may be increased by law. In precincts containing more than 20,000 inhabitants the county commissioners may appoint one additional justice and constable for each 20,000 inhabitants.

3. To hold preliminary examinations of persons accused of offences triable only in higher courts, and, if their guilt is probable, to hold them by bail or imprisonment to await the action of the grand jury, or of the district attorney by information,

4. To perform the duties of coroner in relation to dead bodies when there is no coronor or in case of his inability to act.

Jury.—In suits before a justice either party by advancing the jury fees, may demand to have the case tried by a jury. Thereupon the justice issues a writ, directed to a constable, commanding him to summon a jury, usually of six.

Change of venue.—Venue may be changed to the court of the nearest justice.

Appeals.—Appeals may be taken from a justice's court to the county court.

Duties of constable.—The constable is the executive officer of the justice's court. He makes arrests and preserves the peace.

POLICE COURTS.

All cities have police courts—presided over by police magistrates or judges. In second class cities the police magistrate is elected by the voters. In first class cities of less population than 50,000 the council elects the police magistrate. In larger cities the Governor with the consent of the Senate appoints the police judge.

Jurisdiction.—This court has exclusive original jurisdiction in all cases arising under the city ordinances.

Venue—appeals.—No change of venue is allowed. Appeals may be taken to the county court.

CHAPTER VII.

THE COUNTY.

New counties.—New counties are established by the General Assembly in laws defining the boundaries, providing for the election of officers, fixing temporarily the county seat, etc.

Elective county officers.—The elective county officers are:—three or five commissioners, a clerk, sheriff, treasurer, assessor, coroner, surveyor, superintendent of schools and county judge.*

Qualifications.—To be eligible to a county office a person must be a voter and a resident of the county for the year preceding election.

Term.—The county commissioners and county judge hold office four years; the others two years. All are elected in even numbered years.

County seat.—The town in which the county and district courts are held and the county officers have their offices is called the county seat. The location of the county seat is determined by a majority vote of the qualified electors of the county.

Offices at the county seat.—The county clerk, sheriff, treasurer, and superintendent of schools and the clerks of the county and district courts have offices at the county seat.

COUNTY COMMISSIONERS.

Election.—Counties of less than seventy thousand inhabitants have three commissioners, two elected in the even numbered years beginning with 1904, and every fourth year thereafter, one elected in 1906 and every fourth year thereafter.

* For duties of county judge see chapter VI.

Counties having more than seventy thousand inhabitants may have five commissioners, three elected in 1904 and every fourth year thereafter, and two elected in 1906 and every fourth year thereafter.

Commissioners' districts.—Each county is divided into as many commissioners' districts as it has commissioners. Each district is entitled to one commissioner, who must be a resident therein. Commissioners are elected by the voters of the whole county from the districts in rotation.

Chairman.—At the first meeting of the board of county commissioners after the annual election, one of the members is chosen chairman. He presides at meetings of the board, has power to administer oaths, signs all county warrants and bonds and is superintendent of the poor.

Meetings of board.—There are four regular meetings of the board of county commissioners every year. These are held at the county seat on the first Mondays of January, April, July and October. When necessary there are special meetings. All meetings of the board are open to the public.

Powers and duties.—The principal powers and duties of the board of county commissioners are:

1. To care for county property,
2. To levy taxes,
3. To examine all claims and accounts against the county, allow such as are just and issue warrants on the county treasurer for their payment,
4. To divide the county into election and justices' precincts, road and commissioners' districts,
5. To designate voting places and appoint judges of election,
6. To appoint a general road overseer, a county attorney and certain other minor officers,

7. To appoint persons to fill vacancies in county and precinct offices except that of county commissioner,

8. To lay out roads and alter or discontinue them upon petition,

9. To care for county paupers,

10. To hear and decide challenges to the registration of voters.

Vacancy.—When a vacancy occurs in the office of county commissioner, the Governor appoints a person to fill it.

Pay.—The pay of county commissioners is five dollars a day for time actually employed, and mileage. The chairman of the board receives pay at the same rate for his services as superintendent of the poor.

COUNTY CLERK AND RECORDER.

Duties.—The principal duties of the county clerk are:

1. To act as clerk of the board of county commissioners,

2. With two justices of the peace to open and canvass the returns of elections,

3. To issue certificates of election to county and precinct officers and to send to the Secretary of State a statement of the votes cast for state and national officers,

4. To furnish all voting places in the county with voting booths and ballot boxes, and to print and distribute the tickets for general elections.

5. To record deeds, mortgages, medical certificates, United States land patents, school district bonds and all "instruments and writings, authorized by law to be recorded in his office."

6. To issue marriage licenses and keep a record of marriages,

7. To have the custody of the official registry book and make additions to and changes in it as provided by law.

SHERIFF.

Duties.—Some of the important duties of the sheriff are :

1. To have the custody of the county jail and prisoners,
2. To act as the executive officer of the courts of record of the county,
3. To preserve the peace, pursue felons, make arrests and take convicts to the penitentiary

Posse.—To aid him the sheriff may, when necessary, call on such persons as he sees fit.

Persons summoned to assist the sheriff are called a *posse*. Any male over eighteen years of age who refuses or neglects to assist the sheriff when summoned is liable to a heavy fine. In case of a mob or riot the sheriff may call out the militia.

Deputies.—The sheriff appoints an under-sheriff, or general deputy, and as many deputies as necessary, for whose acts he and his bondsmen are responsible.

TREASURER.

Duties.—The principal duties of the county treasurer are :

1. To receive and keep all money belonging to the county, and pay it out on order of the county commissioners or otherwise as directed by law,
2. To collect the taxes,
3. To make a monthly payment to the State Treasurer of all money due the State.

ASSESSOR.

Duties.—The principal duties of the assessor are :

1. For the purposes of taxation, annually to assess, or fix a value upon all the taxable property in the county except such as the law requires the owner or State Board of Equalization to assess,
2. To compute all taxes.
3. To make and deliver to the county clerk lists of persons in the county liable to militia service.

CORONER.

Duties.—1. The coroner with the aid of a jury of six, enquires into the cause of the death of any person dying within the county by unlawful means or the cause of whose death is unknown and orders or issues warrants for the arrest of any person suspected of being criminally connected with such death.

2. He acts as sheriff when there is no sheriff, when the sheriff is a party to a suit and in certain other cases.

SURVEYOR.

The duty of the county surveyor is to execute surveys within the county when called upon and to keep a record of them.

SUPERINTENDENT OF SCHOOLS.

Duties.—The most important duties of the county superintendent of schools are :

- 1 To apportion the general county school fund among the districts of the county,
2. To visit each school in the county at least once during each quarter that it is in session, and to see that teachers and school officers obey the law,
3. To make an annual report of the condition of the schools of the county to the State Superintendent,

4. To hold quarterly examinations of applicants for teachers' certificates, and to issue certificates to such as are qualified.

ROADS.

Road districts.—The county commissioners divide the county into road districts.

Road overseers.—The county commissioners appoint for each of these road districts, a road overseer, whose duty it is to keep the roads of his district in repair.

Property tax for road purposes.—The county commissioners levy a property tax for road purposes. They set apart a just proportion of the tax levied upon city and town property to be expended by the city or town authorities upon streets and alleys. The remainder of the proceeds of this tax is apportioned among the road districts of the county by the county commissioners and is paid out only on their order.

Road poll-tax.—Every able bodied man except residents of towns and cities, between the ages of twenty-one and forty-five, is required every year either to work on the roads two days or to pay the road overseer of his district a road poll-tax of \$2. Town and city authorities have power to levy a road poll-tax.

CHAPTER VIII.

THE SCHOOL DISTRICT.*

Classes of school districts.—School districts are divisions of counties erected into municipal corporations for the support of public schools. There are three classes. Those of the first class contain more

than one thousand children of school age, that is, between the ages of six and twenty-one. Districts of the second class contain from three hundred and fifty to one thousand children of school age. Districts of the third class are those having fewer than three hundred and fifty children of school age.

Directors.—The officers of a school district are called directors. Districts of the first class have five directors; those of the second and third classes have three.

Qualifications of voters.—In order to vote at a school election a person:—

1. Must be twenty-one years of age,
2. Must be a citizen of the United States or have declared his intention to become such at least four months before the election,
3. Must have resided in the State six months, in the county ninety days and in the school district thirty days, next preceding the election.

Sex is no disqualification for voting at any election or holding any public office.

School election.—Directors are elected at the regular school election, which is held in every district on the first Monday in May of every year.

Term of directors.—In second and third class districts, one director is elected every year and serves three years. In first class districts one director is elected annually and serves five years.

Officers of school board.—The officers of a board of directors are:—a president, a secretary and a treasurer.

President's duties.—The president presides at all meetings of the board and of the voters of the district, signs all bonds and orders for money and represents the district in law suits.

Duties of secretary.—The principal duties of the secretary are:—

1. To keep a record of all proceedings of the board and district meetings,
2. To take or cause to be taken annually a census of all the children of school age in the district,
3. To make out and file with the county superintendent annually a report of the affairs of the district.

Treasurer's duty.—The treasurer keeps all money belonging to the district that comes into his hands and pays it out by order of the board, keeping an account and making a report of the same.

Powers and duties of school board.—The principal powers and duties of the school board are:—

1. To employ and discharge teachers,
2. To fix the length of the school term, which must be at least three months in every year, and of the daily session which must not exceed six hours,
3. To determine on the course of study, the text-books and the rates of tuition,
4. To certify to the county commissioners the rate of special school tax,
5. To order the levy, if they think best, of a tax of one-tenth of a mill for the support of a library.

When directed by a vote of the district, they (1) furnish free text-books, (2) issue bonds.

The school board in first and second class districts can buy or sell school lots and build or remove school houses. In third class districts, a vote of the people is required.

Vacancy.—When a vacancy occurs in the board of directors in second and third class districts, the county superintendent appoints; in first class districts the board elects.

REVENUE OF SCHOOL DISTRICT.

State school fund.—The United States granted to Colorado when it became a state, sections sixteen and thirty-six of every township for the support of common schools. The money received from the sale of this land together with escheats and gifts for the purpose, makes the state school fund. It is invested and the interest only is used. The interest together with the money arising from the leasing of school land is divided among the counties in proportion to the number of children of school age they contain.

County school fund.—The money received by a county from the state school fund and from the county school tax together with certain fines and forfeitures, makes the general county school fund. This is divided among the districts of the county in proportion to the number of children of school age they contain.

County school tax.—The county commissioners levy every year a tax on all the taxable property in the county, of such an amount as may be necessary for the support of the schools of the county.

Special school fund.—The board of directors of each district certifies annually to the county commissioners the number of mills on the dollar that it will be necessary to levy in their district in addition to the county tax. This when collected is known as the school fund of that district.

ORGANIZATION OF NEW DISTRICTS.

From organized territory.—To organize a new school district from a portion of one or more old ones, the parents of at least ten children of school age residing within the limits of the proposed new district

petition the county superintendent, giving the boundaries of the proposed district and the names of all the children of school age therein. If the county superintendent thinks it for the best interests of the districts concerned, he directs an election to be held in the proposed district to decide whether or not the district shall be organized. If at such election two-thirds of the voters favor organization, they proceed to elect three directors, who serve till the next regular school election, when three directors are elected, a president of the school board for three years, a secretary for two years and a treasurer for one year.

From unorganized territory.—People living on unorganized territory can organize a school district without a petition and by a majority vote.

CHAPTER IX.

TOWNS AND CITIES.

Special charters.—When the Constitution was adopted, Denver and other cities and towns were acting under special charters granted by territorial legislatures. These towns and cities could either keep their charters or surrender them and become incorporated under the general law as the people elected. This chapter does not apply to towns and cities acting under special charters.

Incorporation.—Upon petition of at least thirty land-owning electors of any part of a county not already incorporated, setting forth the boundaries, name and population of a proposed town or city, the county court appoints five commissioners, who hold an election therein. If a majority vote for incorporation, the commissioners, after proper notice, hold

another election at which town officers are chosen, which completes the incorporation.

Classes of cities and towns.—There are three classes of cities and towns. Those having fifteen thousand inhabitants or more are cities of the first class. Those having more than two thousand and less than fifteen thousand are cities of the second class. Those having two thousand or less are incorporated towns.

Mayor and council.—The powers of a city or town are exercised through a mayor and city council or board of trustees, and other officers.

Powers.—The powers of a town or city government are similar to those of a county or school district. Thus the mayor and council have charge of city property, levy taxes, make appropriations, etc. As the powers of municipal corporations are granted for the safety, comfort and well-being of the people, more extensive powers are necessary where many people are gathered in a small territory. Accordingly town and city governments are given powers which are not necessary to the school district or county.

Among these powers are:

1. To build sewers,
2. To establish gas and water works,
3. To provide police and fire departments,
4. To make regulations concerning streets, sidewalks, parks, etc.,
5. To preserve the public health by abating nuisances, by inspection of food, building material, steam boilers, etc., by regulating the storage of explosives, establishing fire limits, etc.,

6. To appoint or provide for the election of such subordinate officers, not provided by law, as they deem necessary.

Ordinances.—The regulations made by a city council or town board of trustees—city or town laws—are called ordinances.

Pay of city and town officers.—The pay of city and town officers when not fixed by law is fixed by the council or board of trustees.

OFFICERS OF CITIES.

Mayor.—The mayor is elected biennially. He presides over the council, sees that the ordinances are enforced, has a sheriff's power to keep the peace, and can remit fines.

Aldermen.—The city council divides the city into wards. Each ward elects an alderman, biennially in first class cities, annually in second. He serves two years, so that in the former each ward has one alderman; in the latter, two. The aldermen make up the city council.

Other Officers.—In cities of the first class the voters elect a clerk, treasurer, auditor, attorney and engineer; the council elects a police judge; the mayor and council appoint the police. In cities of the second class the voters elect a clerk, treasurer, attorney, engineer, marshal, street supervisor and police magistrate. In cities of over 50,000 inhabitants the Governor appoints the police judge.

TOWN OFFICERS.

Mayor.—The mayor is elected annually and presides over the board of trustees, having a vote only in case of a tie.

Trustees.—Three trustees are elected by the voters of the town every year for terms of two years.

Other officers.—The board of trustees appoints or provides for the election of a recorder or clerk, a treasurer and attorney, and appoints a marshal. Vacancies are filled by the board.

THE CITY OF DENVER.

The city of Denver is acting under a special charter which has been often amended by the General Assembly. It provides more officers and confers more extensive powers than the general law. The city council is composed of two boards. The board of supervisors consists of five members elected at large by the voters of the city. The board of aldermen consists of one member from each ward. Ordinances are passed by bill subject to many restrictions similar to those imposed on the passage of state laws including the mayor's veto which the council can overcome by a three-fourths vote. The board of supervisors confirms appointments, tries contests of the election of city officers, etc.

The twentieth article of the constitution, adopted in 1902, combined the city government of Denver with the county government of Arapahoe County under the name City and County of Denver. The people are to make a charter for their own government. Until this is done the above provisions, somewhat modified by the twentieth article, hold good.

CHAPTER X.

STATE INSTITUTIONS.*

Boards of control.—The educational, charitable, reformatory and penal institutions of the State are under supervision each of a body of persons called the board of control, commissioners or trustees. Except-

*The Agricultural College, the School of Mines, the School for the Deaf and the Blind, and the Insane Asylum receive the proceeds of a tax of one-fifth of a mill each; the State University receives two-fifths of a mill; the Normal School receives one-sixth of a mill. The Agricultural College receives some revenue from the United States and from the sale of state lands. The Insane Asylum, the University, and the Penitentiary each receives some direct appropriation. The rest of the institutions are supported principally by direct appropriation. Earnings of institutions from products sold, fees, tuition, etc., are used for their benefit respectively.

ing the Regents of the State University, the members of these boards are appointed by the Governor, most of them with the consent of the Senate.

Powers of boards.—These boards have in general the power of making regulations for the government of their respective institutions, of appointing professors and officers and fixing their salaries, and of expending the appropriations and revenue.

Reports.—These boards or some of their officers make an annual or biennial report to the Governor or Superintendent of Public Instruction.

Tuition.—The tuition is practically free at all the educational institutions.

THE UNIVERSITY OF COLORADO.

Location.—Boulder.

Object.—Its object is to provide the ‘best and most efficient means of imparting to young men and women, on equal terms, a liberal education and thorough knowledge of the different branches of literature, the arts and sciences, with their varied applications’.

Board of Regents.—The University is under the control of a board of six regents elected by the people of the State. Two regents are elected every second year for terms of six years.

THE AGRICULTURAL COLLEGE.

Location.—Fort Collins.

Object.—Its object is to afford ‘thorough instruction in agriculture, and the natural sciences connected therewith’.

Board of control.—The State Board of Agriculture has general control and supervision of this institution. It elects a secretary.

Secretary's duties.—The secretary collects information in regard to agriculture, keeps records of the

transactions of the board and college, distributes seeds and plants, makes up the annual report, etc.

STATE SCHOOL OF MINES.

Location.—Golden.

Object.—Its object is to provide instruction in mining and civil engineering, metallurgy, assaying, geology, etc.

STATE NORMAL SCHOOL.

Location.—Greeley.

Object.—The purpose of this institution is 'instruction in the science and art of teaching', and 'in such branches of knowledge as shall qualify teachers for their profession'.

SCHOOL FOR THE DEAF AND THE BLIND.

Location.—Colorado Springs.

Object.—Every blind or deaf and dumb citizen of the State over six and under twenty-one **years of age** is entitled to receive an education in this school at the expense of the State. Persons over twenty-one may be admitted at the option of the board of trustees. If parents are able to pay for the support of their children at this institution, they are required to do so.

THE INSANE ASYLUM.

Location.—Pueblo.

Object.—The object of this asylum is the treatment and cure of insane persons.

Inquest of lunacy.—The process by which a person is declared insane is called an inquest of lunacy. Upon complaint to the county court by a reputable person alleging that any person is so insane as to be incapable of caring for his property or as to endanger persons or property, the county judge orders a jury

of six to be summoned who after examining the person and hearing evidence decide on his sanity. If the lunatic has property, the court appoints a conservator to manage it. The income of such property is applied to the support of the lunatic and his family. Lunatic paupers are entitled to state support.

STATE INDUSTRIAL SCHOOL.

Location.—Golden.

Object.—Boys between the ages of ten and sixteen convicted of offences punishable by fine and imprisonment for a shorter term than for life, may be sentenced to this school for their minority.

The board of control may discharge or bind out a boy when he has so far reformed as to justify it.

The boys of the Industrial School receive instruction in the common branches and are required to do a certain amount of work.

A similar institution for girls is located near Morrison.

STATE REFORMATORY.

Location.—Buena Vista.

Object.—The purpose of this institution is the punishment and reformation of such males between the ages of sixteen and thirty, convicted of felony and misdemeanors the punishment of which is imprisonment for more than ninety days and less than life, as the courts see fit.

This institution is under the management of the board of penitentiary commissioners and the sentences to it are not for a definite term.

THE PENITENTIARY.

Location.—Canon City.

Warden.—The warden is appointed by the Governor and Senate for a term of two years. Under direction of the board of commissioners, he has gen-

eral charge and supervision of the penitentiary. He appoints turnkeys and guards, enforces discipline, etc.

Chaplain.—A chaplain conducts religious exercises in the penitentiary and performs other duties.

SOLDIERS' AND SAILORS' HOME.

Location.—Monte Vista.

Object.—This institution is 'for the care and treatment of honorably discharged soldiers, sailors and marines,' who served in the Union army or navy in the Civil War or in the war with Spain. To be received, an applicant must have been a resident of Colorado for a year preceeding his application, or a member of a Colorado regiment in the Civil War.

CHAPTER XI.

ELECTIONS.

Qualifications of voters.—In order to vote, a person:

1. Must be over twenty-one years of age,
2. Must be a citizen of the United States.
3. Must have resided in the states one year, in the county ninety days, and in the city or town thirty days and in the ward or precinct ten days, next preceding the election.

Naturalization.—The Constitution of the United States defines a citizen of the United States to be 'a person born or naturalized in the United States and subject to the jurisdiction thereof'. It also gives Congress power to prescribe a uniform rule of naturalization. This Congress has done. To become a naturalized citizen a foreigner must reside in the United States five years. At least two years before

admission to citizenship, he must declare under oath before a competent court,* his intention of becoming a citizen and renounce his former allegiance. When finally admitted he must prove his five years residence in the state or territory where he then is, take an oath of allegiance to the United States and again renounce his former allegiance.

Registration of voters.—The county clerk keeps a permanent register of the voters of precincts wholly or in part within the limits of cities. Upon this is entered the name, address and description of each voter. Voters must be registered fifteen days before election.

In other precincts, the judges of election sit as a board of registry and make a list of persons qualified to vote. A copy of this list is posted in a conspicuous place and voters whose names are not on this list can have them inserted.

No one is allowed to vote unless his name is on the registry list.

Privileges of voters.—Voters cannot be arrested during their attendance at elections or in going to or returning from them, except for treason, felony or breach of the peace.

Challenge of vote.—The vote of any elector may be objected to or challenged. The person challenged is required under oath to answer certain questions and to take an oath affirming his qualifications. The judges may still reject his vote if they believe him disqualified. One challenger of each of the leading political parties is allowed within each polling place.

*The courts before whose clerks this and the final oath may be taken are: Circuit or district courts of the United States; district and supreme courts of territories; and courts of record of any state, having a common law jurisdiction and a clerk and seal.

Challenges may be made against the registration with the county clerk. These must be made in writing, the persons challenged are notified, the county commissioners decide the cases.

Kinds of elections.—Elections are regular and special. Regular elections are those occurring every year at fixed dates. Special elections are held to fill vacancies in certain offices, and in other cases where it is necessary to refer important questions to the people for immediate decision. The regular elections are the general election, town or city election and school election. For school election see Chap. VIII.

Notice of elections.—Notice of elections must be given by town, city and county clerks, by the publication in newspapers and posted notices, of the date of the election, names of offices to be filled and the questions, if any, to be voted on. The names of all candidates are also published.

Nominations.—All parties which cast at the preceding election one-tenth of the total vote may present candidates and have their names printed on the official ballot. Nominations may also be made by petitions signed by a sufficient number of voters.

Certificates of nomination are filed with the city or town clerk in municipal elections, with the Secretary of State for all divisions larger than a county and all others with the county clerk.

Ballots.—All ballots are printed and delivered at public expense. Towns and cities pay for those used in municipal elections and counties for all others. Town, city and county clerks have charge of the preparation and distribution of ballots.

The names of the candidates for each office are arranged alphabetically. Blank lines are left in which the voter may vote for whomsoever he pleases. A voter may vote a 'straight' ticket by writing in a

blank space at the top of the ballot the name of the ticket which he wishes to vote. He may also mark crosses opposite the names of candidates on other tickets. Or, he may vote entirely by marking crosses opposite candidates' names.

Polling places.—Polling places are supplied at public expense with a guardrail, one compartment or voting booth for each fifty voters in the precinct and a ballot-box.

Only judges, clerks and voters (and interpreters if needed) are allowed within the guardrail.

Appointment of judges.—Every year the county commissioners appoint in each voting precinct three judges of election representing at least two political parties. These judges act at all elections until their successors are appointed. For municipal elections the town trustees or city council appoint the judges.

Duties of judges.—The judges of election have general charge of the polling place and see that the provisions of the election law are complied with. They appoint two clerks to assist them. They proclaim the opening and closing of the polls, superintend the voting and assist illiterate voters. On the closing of the polls they count the votes and certify the result to the city, town or county clerk. They return to him all ballots including those spoiled and unused.

Manner of voting.—The voter gives his name to a judge who calls it out and checks it off the registry list. The voter receives a ballot endorsed with the initials of the judge supplying it. He retires to a booth, marks his ballot and hands it to a judge who numbers it and pastes down the corner covering the number. The voter's name and the number of his ballot are entered on the poll-book. The ballot is handed back to the voter who puts it into the ballot-

box and at once leaves the polling place. If a voter spoils a ballot he can have another but no more than three in all.

Miscellaneous provisions.—No soliciting of votes is allowed within one hundred feet of the polling place. The polling place cannot be within fifty feet of a saloon.

Employes are allowed two hours in which to vote, without loss of pay. The polls are open from 7 a. m. to 7 p. m.

Election day is a legal holiday.

Statement of election expense.—All candidates and chairmen of committees disbursing money for election expenses must file sworn statements of all moneys paid out for campaign purposes, with the town, city or county clerk. They are published.

General election.—The general election is held in every precinct in the State on the Tuesday after the first Monday in November of every year. All elective precinct, county, state and national officers are voted for at the general election.

Municipal election.—The municipal election, at which town and city officers are elected, is held the first Tuesday in April of each year.

CHAPTER XII.

REVENUE.

Assessment.—As soon after January 1 as possible the county assessor is required to deliver to each person of full age and sound mind in the county a blank property schedule or list. Upon this blank each person is required to list all his taxable property with the valuation of certain personal property. He must

sign it, swear to its correctness and return it to the assessor. The assessor lists all property which the owner fails to list. He assesses the property so listed except what the owner or State Board of Equalization is required to assess.

Assessment roll.—The assessor makes out an assessment roll or book containing in alphabetical order, the names of all persons whose property has been listed, with a description of the property of each and its valuation.

Board of equalization.—The assessment roll is submitted to the county commissioners sitting as a board of equalization. They correct assessments and supply omissions. The county clerk notifies those persons in whose assessments material changes are thus made. The board of equalization sits again to hear complaints of, and make further changes in, the assessments of such persons.

Tax-book.—The assessor computes the taxes of each person whose name is on the assessment roll and delivers the tax-book containing a list of the same to the county treasurer with a warrant requiring him to collect the taxes.

Collection.—The county treasurer collects the taxes, keeping an account thereof and charging to each fund the amount belonging to it. The taxes are due one-half Feb'y last and one-half July 31. If not paid by August 1 they bear interest at the rate of fifteen per cent. per annum from that date.

Tax sale of personal property.—After August 1 the county treasurer has power to seize and sell personal property for taxes.

Delinquent taxes.—Before August 20 the county treasurer makes out a list of real estate upon which the taxes are unpaid. This is called the delinquent

tax list. The treasurer publishes this list and on the second Monday in November sells for taxes real estate upon which the taxes are unpaid. Property thus sold may be redeemed by the owner within three years by payment of the amount for which it was sold, all subsequent taxes, with interest and penalties.

Exemptions.—The following named species of property are exempt from taxation:—

1. Property of the United States, Colorado or any municipality,
2. Property used for religious worship, for schools, for charitable purposes, and public libraries,
3. Irrigation ditches, canals and flumes used to irrigate the lands of the owners,
4. Cemeteries 'not used or held for private or corporate profit',
5. The household goods of 'every person being the head of a family, to the value of two hundred dollars'.

CHAPTER XIII.

PUBLIC INDEBTEDNESS.

Objects.—It is sometimes necessary for the State or a municipal corporation to go into debt for the erection of public buildings, the building of roads, bridges and the like, or, in case of a town or city, for water works, sewers or streets. Money is obtained for these purposes by the issue of bonds.

Bond defined.—A bond is a formal certificate of indebtedness, bearing the seal of the corporation issuing it, issued for a specified purpose and having a limited time to run, with interest payable at stated periods. Bonds are signed by the chief executive of

the corporation issuing them, numbered, countersigned by the treasurer and registered usually with the treasurer.

Authorization of bonds.—All bonds except certain refunding bonds must be authorized by a vote of the electors in the case of the State and by a vote of the property tax payers in all other cases.

Refunding bonds.—Refunding bonds are such as are issued in lieu of other bonds, running usually for a longer time at a lower rate of interest. They may be issued in exchange for original bonds or may be sold and the proceeds applied to the purchase of such bonds.

Payment of bonds.—Whenever bonds are issued, an annual levy of taxes must be made to pay the interest and when they become due an annual levy is made to pay them.

Warrants.—Warrants are another form of public indebtedness. The running expenses of government for any year are met by the proceeds of the tax levy of that year. As these taxes are not collected until the next year, it becomes necessary to anticipate them by the issue of warrants or orders. These differ from bonds in not having the seal of the corporation attached, having no definite time to run and being issued without a vote of the people. They usually bear a higher rate of interest which accumulates until they are paid. They are signed by the chief executive officer and attested by the clerk. They must be presented to the treasurer who registers them and endorses them with the statement that there are no funds and that they bear interest from the date of registration. They are paid in the order in which they are registered.

HISTORICAL SKETCH OF COLORADO.

By C. C. McNeill.

The territory included in what is now Colorado was acquired by the United States in three tracts. The part lying north of the Arkansas River and east of the summit of the Rocky Mountains was a portion of the Louisiana Purchase from France in 1803. The part lying west of the summit of the Rocky Mountains was included in the Mexican Cession of 1848. The portion lying south of the Arkansas River and East of the Rio Grande was purchased from Texas in 1850.

DISCOVERY AND EXPLORATION.

The first white man to enter the region was probably Coronado, a Spaniard, who in the year 1540 left the Spanish settlement of Santa Fe to investigate the report of the Indians that there were seven cities located to the north of that place, comparable in size to the City of Mexico, and very rich in gold and silver. He reached a point about where the present Nebraska line joins Colorado without finding anything but dirty Indian villages.

In 1776, Escalante, another Spaniard, set out with an expedition from Santa Fe to explore a route to the upper coast of California. This company traversed the western slope.

The first government expedition was in 1806 shortly after the purchase of the Louisiana Territory, and was under Lieut. Zebulon M. Pike, who set out to explore the source of the Red River. He discovered and named Pike's Peak and made complete and valuable reports to the government concerning the character of the territory.

The second government expedition was in 1820 under Col. Stephen Long, who carefully explored the territory from Pike's Peak north to Long's Peak, which he discovered and named.

No more exploring expeditions were sent out by the government until 1842, when Col. John C. Fremont explored and mapped out the main geographical features and made surveys north and south of the Divide.

SETTLEMENT.

The territory was occupied irregularly by hunters, trappers and scouts from the time of the early explorations until civilized settlements began to be established. In 1806-7, Lieut. Pike built a blockhouse in the San Luis Valley and a stockade near the present town of Canon City for winter quarters for his soldiers. These of course were not permanent settlements, but were the first habitations for white men erected in the territory.

In 1826, the Bent Brothers, who were trappers in the service of the American Fur Company, established a rude trading post on the Arkansas River between the present cities of Pueblo and Canon City. In 1828 the Bent Brothers built a fort in what is now Bent County and named it Fort William in honor of Col. William Bent.

About the year 1840 a settlement was made by St.

Vrain, Lupton and Charles Bent, at the present site of the city of Pueblo. Fort Garland,—at first called Fort Massachusetts,—was established in the San Luis Valley in 1852.

In 1854, Col. William Bent built another fort in the Arkansas Valley several miles west of the original Fort William, which by this time had been destroyed. This was leased to the government in 1859 and used as a government post. Col. Bent and Col. Sedgwick in 1860 erected a fort on the Arkansas at the mouth of the Purgatoire River and called it Fort Wise, but later the name was changed to Fort Lyon.

A settlement was made on the Platte River in 1858 a few miles southwest of the present city of Denver and called Montana City. Later in the same year a party selected a site on the east bank of Cherry Creek near its mouth and named the settlement St. Charles. This was the beginning of the present city of Denver.

About the same time, another settlement sprang up on the west side of Cherry Creek called Auraria. The two settlements were combined in 1860 under the name of Denver, in honor of General Denver, then governor of the territory of Kansas, to which this region belonged.

Settlements were made in 1859 at Golden, Boulder, Colorado City, South Park and Russellville.

The first discovery of gold was made in 1852 in a small tributary of the Platte, and in 1858 gold was found in paying quantities along Cherry Creek and the Platte River. In 1858 rich veins of gold were discovered by a prospector named John H. Gregory in the region around Central City and Black Hawk. These discoveries resulted in a large emigration of prospectors and soon led to the rapid settlement and development of the territory.

EARLY GOVERNMENT.

The larger portion of the present State was originally included in the Territory of Kansas. A convention was held at Auraria in November, 1858, and Andrew J. Smith was elected representative to the Kansas Legislature. The same convention organized the County of Arapahoe, named for a neighboring tribe of Indians, and also elected Hiram J. Graham as delegate to Congress, with instructions to petition the government to form the County of Arapahoe into a territory. He did not succeed in his mission. Smith, however, succeeded in getting the County of Arapahoe confirmed by the Kansas Legislature.

Early affairs of justice were administered principally by the people themselves. In the mountains a "Miner's Code" was in use; a president, judge, sheriff, collector and surveyor were elected by the Miner's Meeting and the court and officers were responsible to it only. Any case appealed from the court was taken directly before the Miner's Meeting and settled there.

Among the settlers on the plains a different course was pursued; any person accused of a crime was tried at once by an improvised court consisting of an assembly of the people themselves acting as a jury and presided over by a judge selected for the purpose. These courts while crude usually administered justice satisfactorily to the people.

In June, 1859, a delegate convention was held at Auraria and a committee was appointed to formulate a constitution, which was presented for consideration to another and larger delegate convention held in August of the same year. The constitution thus prepared was submitted to the people on Sept. 4th, but was rejected by a large majority.

At another meeting held on October 3rd, 1859, delegates were elected to form a provisional territorial government, and at the same time Beverley D. Williams was elected a delegate to memorialize Congress to organize the Pike's Peak country. A new constitution was prepared and adopted, and the new territory called Jefferson in honor of the President of the United States. Officers of the new territory of Jefferson were elected, Robert W. Steele being chosen the first Governor. The newly elected Legislature enacted a full civil and criminal code of laws and the new provisional territory was fairly inaugurated and continued to administer affairs until Congress organized the Territory of Colorado in 1861. For a time the Kansas officials of Arapahoe County contested with the provisional government of Jefferson Territory, but soon gave up the fight.

COLORADO TERRITORY.

The act of Congress organizing the Territory of Colorado was approved February 28th, 1861. A governor, judges of the Supreme Court, and Territorial officers were appointed by the President. The Legislature consisted of a Council and House of Representatives elected by the people.

William Gilpin was the first Governor of the Territory and on May 29th, 1861, civil government in Colorado under the National Administration was established. Governor Gilpin made a tour of the Territory, visiting the various settlements in order to acquaint himself with their needs. He was a capable and satisfactory executive and the title is often appropriately applied to him, "Founder of Colorado."

The Territorial Supreme Court was established

July 10th, 1861. On August 19th, 1861, members of the Legislature were elected and Hiram P. Bennett was elected delegate to Congress. The Territory was divided into nine council and thirteen representative districts, but one congressional district.

The first Legislature convened in September of the same year and adopted full civil and criminal codes.

The first regiment of Colorado infantry organized by Governor Gilpin to aid in the war for the Union was under the command of Col. John P. Slough. The Texas invasion of 1862 was repelled by this force. Two regiments of cavalry were also raised during 1862-3 and took a prominent part in the movements in Missouri against the Confederacy.

John Evans was the second Governor of the Territory and succeeded Governor Gilpin in April, 1862.

The Indians began to be very troublesome in 1864, attacking emigrant trains and white settlements, and several distressing massacres occurred. A decisive battle was fought, however, at Sand Creek, near the present town of Lamar, in which the United States troops under Colonel Chivington attacked and completely annihilated a large body of Cheyenne Indians. Another Indian outbreak occurred in 1865 which was also quelled by United States troops.

In 1864 the Legislature petitioned Congress to pass an enabling act providing for the admission of Colorado as a State. Congress passed the act but the constitution prepared under it and submitted to the people was by them rejected and Colorado remained a Territory. In 1865 another enabling act was passed by Congress but was vetoed by President Johnson.

The third Governor was Alexander Cummings, who succeeded Governor Evans by appointment of the

President in October, 1865. Immigration was now heavy and affairs in the Territory prosperous.

Cummings was succeeded in May, 1867, by Alexander Hunt as Governor, and he was succeeded by Edward M. McCook in June, 1869.

The completion of the Denver Pacific Railway from Denver to Cheyenne in 1870 stimulated emigration and commerce. Many successful colonies were established during this and the following year at Greeley, Colorado Springs, and other points.

Samuel H. Elbert was the next Governor, succeeding McCook in 1873, but in 1874 McCook was reappointed. John L. Routt was appointed Governor in March, 1875.

The third enabling act was passed by Congress in 1875 and approved by President Grant, March 3rd, of that year. On October 25th, 1875, delegates to a constitutional convention were elected, the convention being held in Denver on December 20th. Their work was free from partisan politics and highly satisfactory to the people.

THE CENTENNIAL STATE.

The constitution framed by the convention was submitted to the people on July 1st, 1876, and adopted, the majority in its favor being 11,381. Governor Routt immediately certified the fact to President Grant, who issued a proclamation on August 1st, 1876, declaring Colorado a State of the Union.

This being the year of the celebrating by the United States of the one hundredth anniversary of its independence, Colorado was called "The Centennial State" and by this cognomen has been known ever since.

At the first State election, held in October, 1876,

John L. Routt, the last Territorial Governor, was elected the first Governor of the State and Thomas M. Patterson was in November of the same year elected representative to Congress. The first General Assembly convened at Denver in November, 1876, and Henry M. Teller and Jerome B. Chaffee were elected United States Senators.

GOVERNORS OF THE TERRITORY OF COLORADO.

	From	To
William Gilpin	1861	1862
John Evans	1862	1865
Alexander Cummings	1865	1867
Alexander C. Hunt.....	1867	1869
Edward M. McCook.....	1869	1873
Samuel H. Elbert.....	1873	1874
Edward M. McCook.....	1874	1875
John L. Routt.....	1875	1876

GOVERNORS OF THE STATE OF COLORADO.

	From	To
John L. Routt.....	1876	1879
Fred W. Pitkin.....	1879	1883
James B. Grant.....	1883	1885
Benjamin H. Eaton.....	1885	1887
Alva Adams	1887	1889
Job A. Cooper.....	1889	1891
John L. Routt.....	1891	1893
Davis H. Waite.....	1893	1895
Albert W. McIntire.....	1895	1897
Alva Adams	1897	1899
Charles S. Thomas.....	1899	1901
James B. Orman.....	1901	1903
James H. Peabody.....	1903	

APPENDIX.

CONSTITUTION

OF THE

STATE OF COLORADO.

PREAMBLE.

We, the people of Colorado, with profound reverence for the Supreme Ruler of the Universe, in order to form a more independent and perfect government; establish justice; insure tranquillity; provide for the common defense; promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the "State of Colorado."

ARTICLE I:

BOUNDARIES.

The boundaries of the State of Colorado shall be as follows: Commencing on the thirty-seventh parallel of north latitude, where the twenty-fifth meridian of longitude west from Washington crosses the same; thence north, on said meridian, to the forty-first parallel of north latitude; thence, along said parallel, west to the thirty-second meridian of longitude west from Washington; thence south, on said meridian, to the thirty-seventh parallel of north latitude; thence, along said thirty-seventh parallel of north latitude, to the place of beginning.

ARTICLE II.

BILL OF RIGHTS.

In order to assert our rights, acknowledge our duties, and proclaim the principles upon which our government is founded, we declare:

SEC. 1. That all political power is vested in and derived from the people; that all government, of right, originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

SEC. 2. That the people of this State have the sole and exclusive right of governing themselves, as a free, sovereign and independent State; and to alter and abolish their Constitution and form of government whenever they may deem it necessary to their safety and happiness; *Provided*, Such change be not repugnant to the Constitution of the United States.

SEC. 3. That all persons have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness.

SEC. 4. That the free exercise and enjoyment of religious profession and worship, without discrimination, shall forever hereafter be guaranteed; and no person shall be denied any civil or political right, privilege or capacity, on account of his opinions concerning religion; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the good order, peace or safety of the State. No person shall be required to attend or support any ministry or place of worship, religious sect, or denomination against his consent. Nor shall any preference be given by law to any religious denomination or mode of worship.

SEC. 5. That all elections shall be free and open; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

SEC. 6. That courts of justice shall be open to every person, and a speedy remedy afforded for every injury to person, property or character; and that right and justice should be administered without sale, denial or delay.

SEC. 7. That the people shall be secure in their persons, papers, homes and effects from unreasonable searches and seizures; and no warrant to search any place or seize any person or thing shall issue without describing the place to be searched, or the person or thing to be seized, as near as may be, nor without probable cause, supported by oath or affirmation reduced to writing.

SEC. 8. That until otherwise provided by law, no person shall, for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger. In all other cases, offenses shall be prosecuted criminally by indictment or information.

SEC. 9. That treason against the State can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; that no person can be convicted of treason unless on the testimony of two witnesses to the same overt act, or on his confession in open court; that no person can be attainted of treason or felony by the General Assembly; that no conviction can work corruption of blood or forfeiture of estate; that the estates of such persons as may destroy their own lives shall descend or vest as in cases of natural death.

SEC. 10. That no law shall be passed impairing the freedom of speech; that every person shall be free to speak, write or publish whatever he will on any subject, being responsible for all abuse of that liberty; and that in all suits and prosecutions for libel, the truth thereof may be given in evidence, and the jury, under the direction of the court, shall determine the law and the fact.

SEC. 11. That no *ex post facto* law, nor law impairing the obligation of contracts, or retrospective in its operation, or making any irrevocable grant of special privileges, franchises or immunities, shall be passed by the General Assembly.

SEC. 12. That no person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law, or in cases of tort or where there is a strong presumption of fraud.

SEC. 13. That the right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question; but nothing herein contained shall be construed to justify the practice of carrying concealed weapons.

SEC. 14. That private property shall not be taken for private use unless by consent of the owner, except for private ways of necessity and except for reservoirs, drains, flumes or ditches on or across the lands of others, for agricultural, mining, milling, domestic or sanitary purposes.

SEC. 15. That private property shall not be taken or damaged, for public or private use, without just compensation. Such compensation shall be ascertained by a board of commissioners, of not less than three freeholders, or by a jury, when required by the owner of the property, in such manner as may be prescribed by law, and until the same shall be paid to the owner, or into court for the owner, the property shall not be needlessly disturbed, or the proprietary rights of the owner therein divested; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public, shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.

SEC. 16. That in criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

SEC. 17. That no person shall be imprisoned for the purpose of securing his testimony in any case longer than may be necessary in order to take his deposition. If he can give security he shall be discharged; if he cannot give security, his deposition shall be taken by some judge of the supreme, district or county court, at the earliest time he can attend, at some convenient place by him appointed for that purpose, of which time and place the accused and the attorney prosecuting for the people, shall have reasonable notice. The accused shall have the right to appear in person and by counsel. If he have no counsel, the judge shall assign him one in that behalf only. On the completion of such examination the witness shall be discharged on his own recognizance, entered into before said judge, but such deposition shall not be used, if, in the opinion of the court, the personal attendance of the witness might be procured by the prosecution, or is procured by the accused. No exception shall be taken to such deposition as to matters of form.

SEC. 18. That no person shall be compelled to testify against himself in a criminal case, nor shall any person be twice put in jeopardy for the same offense. If the jury disagree, or if the judgment be arrested after the verdict, or if the judgment be reversed for error in law, the accused shall not be deemed to have been in jeopardy.

SEC. 19. That all persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.

SEC. 20. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

SEC. 21. That the privilege of the writ of *habeas corpus* shall never be suspended, unless when in case of rebellion or invasion, the public safety may require it.

SEC. 22. That the military shall always be in strict subordination to the civil power; that no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

SEC. 23. The right of trial by jury shall remain inviolate in criminal cases, but a jury in civil cases in all courts, or in criminal cases in courts not of record, may consist of less than twelve men, as may be prescribed by law. Hereafter a grand jury shall consist of twelve men any nine of whom concurring may find an indictment; *Provided*, The General Assembly may change, regulate or abolish the grand jury system.

CONSTITUTION OF COLORADO.

SEC. 24. That the people have the right peaceably to assemble for the common good, and to apply to those invested with the powers of government for redress of grievances, by petition or remonstrance.

SEC. 25. That no person shall be deprived of life, liberty or property, without due process of law.

SEC. 26. That there shall never be in this State either slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted.

SEC. 27. Aliens, who are or may hereafter become *bona fide* residents of this State, may acquire, inherit, possess, enjoy and dispose of property, real and personal, as native born citizens.

SEC. 28. The enumeration in this Constitution of certain rights shall not be construed to deny, impair, or disparage others retained by the people.

ARTICLE III.

DISTRIBUTION OF POWERS.

The powers of the government of this State are divided into three distinct departments—the legislative, executive and judicial—and no person, or collection of persons, charged with the exercise of powers properly belonging to one of these departments shall exercise any power properly belonging to either of the others except as in this Constitution expressly directed or permitted.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SEC. 1. The Executive department shall consist of a Governor, Lieutenant-Governor, Secretary of State, Auditor of State, State Treasurer, Attorney-General, and Superintendent of Public Instruction, each of whom shall hold his office for the term of two years, beginning on the second Tuesday of January next after his election; *Provided*, That the terms of office of those chosen at the first election held under this Constitution shall begin on the day appointed for the first meeting of the General Assembly. The officers of the executive department, except the Lieutenant-Governor, shall, during their term of office, reside at the seat of government, where they shall keep the public records, books and papers. They shall perform such duties as are prescribed by this Constitution or by law.

SEC. 2. The supreme executive power of the State shall be vested in the Governor, who shall take care that the laws be faithfully executed.

SEC. 3. The officers named in section one of this article shall be chosen on the day of the general election, by the qualified electors of the State. The returns of every election for said officers shall be sealed up and transmitted to the Secretary of State, directed to the Speaker of the House of Representatives, who shall immediately, upon the organization of the House, and before proceeding to other business, open and publish the same in the presence of a majority of the members of both Houses of the General Assembly, who shall, for that purpose, assemble in the House of Representatives. The person having the highest number of votes for either of said offices shall be declared duly elected, but if two or more have an equal and the highest number of votes for the same office, one of them shall be chosen thereto by the two Houses, on joint ballot. Contested elections for said offices shall be determined by the two Houses, on joint ballot, in such manner as may be prescribed by law.

SEC. 4. No person shall be eligible to the office of Governor, Lieutenant-Governor, or Superintendent of Public Instruction, unless he shall have attained *the age of thirty years*, nor to the office of Auditor of State, Secretary of State,

or State Treasurer, unless he shall have attained the age of twenty-five years, nor to the office of Attorney-General unless he shall have attained the age of twenty-five years, and be a licensed attorney of the supreme court of the State, or of the Territory of Colorado, in good standing. At the first election under this Constitution, any person being a qualified elector at the time of the adoption of this Constitution, and having the qualifications above herein prescribed for any one of said offices, shall be eligible thereto; but thereafter no person shall be eligible to any one of said offices, unless, in addition to the qualifications above prescribed therefor, he shall be a citizen of the United States, and have resided within the limits of the State two years next preceding his election.

SEC. 5. The Governor shall be Commander-in-chief of the military forces of the State, except when they shall be called into actual service of the United States. He shall have power to call out the militia to execute the laws, suppress insurrection or repel invasion.

SEC. 6. The Governor shall nominate, and by and with the consent of the Senate, appoint all officers whose offices are established by this Constitution, or which may be created by law, and whose appointment or election is not otherwise provided for, and may remove any such officer for incompetency, neglect of duty or malfeasance in office. If, during the recess of the Senate, a vacancy occur in any such office, the Governor shall appoint some fit person to discharge the duties thereof until the next meeting of the Senate, when he shall nominate some person to fill such office. If the office of Auditor of State, State Treasurer, Secretary of State, Attorney-General, or Superintendent of Public Instruction, shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law. The Senate, in deliberating upon executive nominations, may sit with closed doors, but in acting upon nominations they shall sit with open doors, and the vote shall be taken by ayes and noes, which shall be entered upon the journal.

SEC. 7. The Governor shall have power to grant reprieves, commutations and pardons after conviction, for all offenses except treason, and except in case of impeachment, subject to such regulations as may be prescribed by law relative to the manner of applying for pardons, but he shall in every case where he may exercise his power, send to the General Assembly, at its first session thereafter, a transcript of the petition, all proceedings, and the reasons for his action.

SEC. 8. The Governor may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices, which information shall be given upon oath whenever so required; he may also require information in writing at any time, under oath, from all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices and institutions. The Governor shall, at the commencement of each session and from time to time, by message, give to the General Assembly information of the condition of the State and shall recommend such measures as he shall deem expedient. He shall also send to the General Assembly a statement with vouchers, of the expenditures of all moneys belonging to the State and paid out by him. He shall also, at the commencement of each session, present estimates of the amount of money required to be raised by taxation for all purposes of the State.

SEC. 9. The Governor may, on extraordinary occasions, convene the General Assembly, by proclamation, stating therein the purpose for which it is to assemble; but at such special session no business shall be transacted other than that

specially named in the proclamation. He may, by proclamation, convene the Senate in extraordinary session for the transaction of executive business.

SEC. 10. The Governor, in case of a disagreement between the two houses as to the time of adjournment, may, upon the same being certified to him, by the House last moving adjournment, adjourn the General Assembly to a day not later than the first day of the next regular session.

SEC. 11. Every bill passed by the General Assembly shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it with his objections to the House in which it originated, which House shall enter the objections at large upon its journal, and proceed to reconsider the bill. If then, two-thirds of the members elected agree to pass the same, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of the members elected to that House, it shall become a law, notwithstanding the objections of the Governor. In all such cases the vote of each House shall be determined by ayes and noes, to be entered upon the journal. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by their adjournment, prevent its return, in which case it shall be filed, with his objections, in the office of the Secretary of State within thirty days after such adjournment, or else become a law.

SEC. 12. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be law, and the item or items disapproved shall be void, unless enacted in manner following: If the General Assembly be in session, he shall transmit to the House in which the bill originated a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the executive veto.

LIEUTENANT-GOVERNOR.

SEC. 13. In case of the death, impeachment, or conviction of felony or infamous misdemeanor, failure to qualify, resignation, absence from the State, or other disability of the Governor, the powers, duties and emoluments of the office, for the residue of the term, or until the disability be removed, shall devolve upon the Lieutenant-Governor.

SEC. 14. The Lieutenant-Governor shall be President of the Senate, and shall vote only when the Senate is equally divided. In case of the absence, impeachment, or disqualification from any cause of the Lieutenant-Governor, or when he shall hold the office of Governor, then the President *pro tempore* of the Senate shall perform the duties of the Lieutenant-Governor, until the vacancy is filled or the disability removed.

SEC. 15. In case of the failure to qualify in his office, death, resignation, absence from the State, impeachment, conviction of felony, or infamous misdemeanor, or disqualification from any cause, of both the Governor and Lieutenant-Governor, the duties of the Governor shall devolve on the President of the Senate *pro tempore*, until such disqualification of either the Governor or Lieutenant-Governor be removed, or the vacancy be filled; and if the President of the Senate, for any of the above named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House.

SEC. 16. An account shall be kept by the officers of the executive department and of all public institutions of the State, of all moneys received by them severally

CONSTITUTION OF COLORADO.

from all sources, and for every service performed, and of all moneys disbursed by them severally, and a semi-annual report thereof shall be made to the Governor, under oath.

SEC. 17. The officers of the executive department, and of all public institutions of the State, shall at least twenty days preceding each regular session of the General Assembly, make full and complete reports of their actions to the Governor, who shall transmit the same to the General Assembly.

SEC. 18. There shall be a seal of the State, which shall be kept by the Secretary of State, and shall be called the "Great Seal of the State of Colorado." The seal of the Territory of Colorado as now used shall be the seal of the State until otherwise provided by law.

SEC. 19. The officers named in section one of this article shall receive for their services a salary to be established by law, which shall not be increased or diminished during their official terms. It shall be the duty of all such officers to collect in advance all fees prescribed by law for services rendered by them severally, and pay the same into the State Treasury.

SEC. 20. The Superintendent of Public Instruction shall be *ex officio* State Librarian.

SEC. 21. Neither the State Treasurer nor State Auditor shall be eligible for re-election as his own immediate successor.

ARTICLE V.

LEGISLATIVE DEPARTMENT.

SEC. 1. The *legislative power* shall be vested in the *General Assembly*, which shall consist of a *Senate* and *House of Representatives*, both to be *elected by the people*.

SEC. 2. An election for members of the General Assembly shall be held on the first Tuesday in October, in the years of our Lord 1876 and 1878, and in each alternate year thereafter, on such day, at such places in each county as now are or hereafter may be provided by law. The first election for members of the General Assembly under the State organization shall be conducted in the manner prescribed by the laws of Colorado Territory regulating elections for members of the legislative assembly thereof. When vacancies occur in either House, the Governor, or person exercising the powers of Governor, shall issue writs of election to fill such vacancies.

SEC. 3. Senators shall be elected for the term of four years except as hereinafter provided, and Representatives for the term of two years.

SEC. 4. No person shall be a Representative or Senator who shall not have attained the age of twenty-five years, who shall not be a citizen of the United States, who shall not for at least twelve months next preceding his election have resided within the territory included in the limits of the county or district in which he shall be chosen; *Provided*, That any person who, at the time of the adoption of this Constitution, was a qualified elector under the Territorial laws, shall be eligible to the first General Assembly.

SEC. 5. The Senators at their first session, shall be divided into two classes. Those elected in districts designated by even numbers shall constitute one class; those elected in districts designated by odd numbers shall constitute the other class, except that Senators elected in each of the districts having more than one Senator shall be equally divided between the two classes. The Senators of one class shall hold for two years; those of the other class shall hold for four years to be decided by lot between the two classes, so that one-half of the Senators as near as practicable, may be biennially chosen forever thereafter.

SEC. 6. Each member of the General Assembly, until otherwise provided by law, shall receive as compensation for his services, seven dollars (\$7.00) for each day's attendance and fifteen (15) cents for each mile necessarily traveled in going to and returning from the seat of government, and shall receive no other compensation, perquisite, or allowance whatsoever. No session of the General Assembly shall exceed ninety days. No General Assembly shall fix its own compensation.

SEC. 7. The General Assembly shall meet at 12 o'clock, noon, on the first Wednesday in November, A. D. 1876; and at 12 o'clock, noon, on the first Wednesday in January, A. D. 1879, and at 12 o'clock, noon, on the first Wednesday in January of each alternate year forever thereafter, and at other times when convened by the Governor. The term of service of the members thereof shall begin on the first Wednesday of November next after their election, until otherwise provided by law.

SEC. 8. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this State; and no member of Congress, or other person holding any office (except of attorney-at-law, notary public, or in the militia) under the United States or this State, shall be a member of either house during his continuance in office.

SEC. 9. No member of either House shall, during the term for which he may have been elected, receive any increase of salary or mileage, under any law passed during such term.

SEC. 10. The Senate shall, at the beginning and close of each regular session and at such other times as may be necessary, elect one of its members President *pro tempore*. The House of Representatives shall elect one of its members as Speaker. Each House shall choose its other officers, and shall judge of the election and qualification of its members.

SEC. 11. A majority of each House shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

SEC. 12. Each House shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence; to enforce obedience to its process; to protect its members against violence, or offers of bribes or private solicitation, and, with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the legislature of a free state. A member expelled for corruption shall not thereafter be eligible to either House of the same General Assembly, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

SEC. 13. Each House shall keep a journal of its proceedings, and may in its discretion, from time to time, publish the same, except such parts as require secrecy, and the ayes and noes on any question shall, at the desire of any two members, be entered on the journal.

SEC. 14. The sessions of each House, and of the committees of the whole, shall be open, unless when the business is such as ought to be kept secret.

SEC. 15. Neither House shall without the consent of the other adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SEC. 16. The members of the General Assembly shall in all cases except treason, felony, violation of their oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

SEC. 17. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either House as to change its original purpose.

SEC. 18. The style of the laws of this State shall be: "*Be it enacted by the General Assembly of the State of Colorado.*"

SEC. 19. No act of the General Assembly shall take effect until ninety days after its passage (except in cases of emergency, which shall be expressed in the act), unless the General Assembly shall, by a vote of two-thirds of all the members elected to each House, otherwise direct. No bill, except the general appropriation bill for the expenses of the government only, introduced in either House of the General Assembly after the first thirty days of the session, shall become a law.

SEC. 20. No bill shall be considered or become a law unless referred to a committee, returned therefrom, and printed for the use of the members.

SEC. 21. No bill except general appropriation bills shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

SEC. 22. Every bill shall be read by title when introduced, and at length on two different days in each House; all substantial amendments made thereto, shall be printed for the use of the members before the final vote is taken on the bill; and no bill shall become a law except by vote of a majority of all the members elected to each House, nor unless on its final passage, the vote be taken by ayes and noes, and the names of those voting be entered on the journal.

SEC. 23. No amendment to any bill by one House shall be concurred in by the other, nor shall the report of any committee of conference be adopted in either House except by a vote of a majority of the members elected thereto, taken by ayes and noes, and the names of those voting recorded upon the journal thereof.

SEC. 24. No law shall be revived, or amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended or conferred, shall be re-enacted and published at length.

SEC. 25. The General Assembly shall not pass local or special laws in any of the following enumerated cases, that is to say: for granting divorces; laying out, opening, altering or working roads or highways; vacating roads, town plats, streets, alleys and public grounds; locating or changing county seats; regulating county or township affairs; regulating the practice in courts of justice; regulating the jurisdiction and duties of justices of the peace, police magistrates and constables; changing the rules of evidence in any trial or inquiry; providing for changes of venue in civil or criminal cases; declaring any person of age; for limitation of civil actions or giving effect to informal or invalid deeds; summoning or impaneling grand or petit juries; providing for the management of common schools; regulating the rate of interest on money; the opening or conducting of any election, or designating the place of voting; the sale or mortgage of real estate belonging to minors or others under disability; the protection of game or fish; chartering or licensing ferries or toll bridges; remitting fines, penalties or forfeitures; creating, increasing or decreasing fees, percentage or allowances of public officers; changing the law of descent; granting to any corporation, association or individual the right to lay down railroad tracks; granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever. In all other cases, where a general law can be made applicable, no special law shall be enacted.

SEC. 25a. The general assembly shall provide by law, and shall prescribe suitable penalties for the violation thereof, for a period of employment not to exceed eight (8) hours within any twenty-four (24) hours (except in cases of emergency where life or property is in imminent danger), for persons employed in underground mines or other underground workings, blast furnaces, smelters; and any ore reduction works or other branch of industry or labor that the general assembly may consider injurious or dangerous to health, life or limb.

SEC. 26. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the General Assembly, after their titles shall have been publicly read, immediately before signing; and the fact of the signing shall be entered on the journal.

SEC. 27. The General Assembly shall prescribe by law the number, duties and compensation of the officers and employes of each House; and no payment shall be made from the State Treasury, or be in any way authorized to any person, except to an acting officer or employe elected or appointed in pursuance of law.

SEC. 28. No bill shall be passed giving any extra compensation to any public officer, servant or employe, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim made against the State without previous authority of law.

SEC. 29. All stationery, printing, paper and fuel used in the legislative and other departments of government, shall be furnished; and the printing and binding and distributing of the laws, journals, department reports, and other printing and binding; and the repairing and furnishing the halls and rooms used for the meeting of the General Assembly and its committees, shall be performed under contract; to be given to the lowest responsible bidder, below such maximum price and under such regulations as may be prescribed by law. No member or officer of any department of the government shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the Governor and State Treasurer.

SEC. 30. Except as otherwise provided in this Constitution, no law shall extend the term of any public officer, or increase or diminish his salary or emoluments after his election or appointment; *Provided*, That on and after the first day of March, A. D. 1881, the salaries of the following designated public officers, including those thereof who may then be incumbents of such offices, shall be as herein provided, viz.: The Governor shall receive an annual salary of five thousand dollars, and the further sum of fifteen hundred dollars for the payment of a private secretary. The judges of the supreme courts shall each receive an annual salary of five thousand dollars. The judges of the district courts shall each receive an annual salary of four thousand dollars.

SEC. 31. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose amendments, as in case of other bills.

SEC. 32. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

SEC. 33. No money shall be paid out of the treasury except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof.

SEC. 34. No appropriation shall be made for charitable, industrial, educational or benevolent purposes, to any person, corporation, or community not under the absolute control of the State, nor to any denominational or sectarian institution or association.

SEC. 35. The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes, or perform any municipal function whatever.

SEC. 36. No act of the General Assembly shall authorize the investment of trust funds by executors, administrators, guardians, or other trustees, in the bonds or stock of any private corporation.

SEC. 37. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be prescribed by law.

SEC. 38. No obligation or liability of any person, association or corporation, held or owned by the State, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released, or postponed, or in any way diminished, by the General Assembly, nor shall such liability or obligation be extinguished except by payment thereof into the proper treasury.

SEC. 39. Every order, resolution or vote to which the concurrence of both Houses may be necessary, except on the question of adjournment, or relating solely to the transaction of business of the two Houses, shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be re-passed by two-thirds of both Houses, according to the rules and limitations prescribed in cases of a bill.

SEC. 40. If any person elected to either House of the General Assembly shall offer or promise to give his vote or influence in favor of or against any measure or proposition, pending or proposed to be introduced in the General Assembly, in consideration or upon condition that any other person elected to the same General Assembly will give, or will promise, or assent to give his vote or influence in favor of or against any other measure or proposition, pending or proposed to be introduced in such General Assembly, the person making such offer or promise shall be deemed guilty of solicitation of bribery. If any member of the General Assembly shall give his vote or influence for or against any measure or proposition pending in such General Assembly, or offer, promise or assent so to do, upon condition that any other member will give, or will promise, or assent to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced in such General Assembly, or in consideration that any other member hath given his vote or influence for or against any other measure or proposition in such General Assembly, he shall be deemed guilty of bribery, and any member of the General Assembly, or person elected thereto, who shall be guilty of either of such offenses shall be expelled, and shall not be thereafter eligible to the same General Assembly; and, on conviction thereof in the civil courts shall be liable to such further penalty as may be prescribed by law.

SEC. 41. Any person who shall directly or indirectly offer, give or promise any money or thing of value, testimonial, privilege, or personal advantage to any executive or judicial officer or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be deemed guilty of bribery, and be punished in such manner as shall be provided by law.

SEC. 42. The offense of corrupt solicitation of members of the General Assembly, or of public officers of the State, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers, to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

SEC. 43. A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

CONGRESSIONAL AND LEGISLATIVE APPOINTMENTS.

SEC. 44. One representative in the Congress of the United States shall be elected from the State at large, at the first election under this Constitution, and thereafter at such times and places, and in such manner as may be prescribed by law. When a new apportionment shall be made by Congress, the General Assembly shall divide the State into congressional districts accordingly.

SEC. 45. The General Assembly shall provide by law for an enumeration of the inhabitants of the State in the year of our Lord 1885, and every tenth year thereafter; and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for Senators and Representatives on the basis of such enumeration, according to ratios to be fixed by law.

SEC. 46. The Senate shall consist of twenty-six, and the House of Representatives of forty-nine members, which number shall not be increased until the year of our Lord one thousand eight hundred and ninety, after which time the General Assembly may increase the number of Senators and Representatives, preserving as near as may be the present proportion as to the number in each House; *Provided*, That the aggregate number of Senators and Representatives shall never exceed one hundred.

SEC. 47. Senatorial and representative districts may be altered from time to time, as public convenience may require. When a senatorial or representative district shall be composed of two or more counties, they shall be contiguous, and the district as compact as may be. No county shall be divided in the formation of a senatorial or representative district.

SEC. 48. Until the State shall be divided into senatorial districts, in accordance with the provisions of this article, said districts shall be constituted and numbered as follows:

The county of Weld shall constitute the first district, and be entitled to one Senator.

The county of Larimer shall constitute the second district, and be entitled to one Senator.

The county of Boulder shall constitute the third district, and be entitled to two Senators.

The county of Gilpin shall constitute the fourth district, and be entitled to one Senator.

The counties of Gilpin, Summit and Grand shall constitute the fifth district, and be entitled to one Senator.

The county of Clear Creek shall constitute the sixth district, and be entitled to two Senators.

The county of Jefferson shall constitute the seventh district, and be entitled to one Senator.

The county of Arapahoe shall constitute the eighth district, and be entitled to four Senators.

The counties of Elbert and Bent shall constitute the ninth district, and be entitled to one Senator.

The county of El Paso shall constitute the tenth district, and be entitled to one Senator.

The county of Douglas shall constitute the eleventh district, and be entitled to one Senator.

The county of Park shall constitute the twelfth district, and be entitled to one Senator.

The counties of Lake and Saguache shall constitute the thirteenth district, and be entitled to one Senator.

The county of Fremont shall constitute the fourteenth district, and be entitled to one Senator.

The county of Pueblo shall constitute the fifteenth district, and be entitled to one Senator.

The county of Huerfano shall constitute the sixteenth district, and be entitled to one Senator.

The county of Las Animas shall constitute the seventeenth district, and be entitled to two Senators.

The county of Costilla shall constitute the eighteenth district, and be entitled to one Senator.

The county of Conejos shall constitute the nineteenth district, and be entitled to one Senator.

The counties of Rio Grande, Hinsdale, La Plata and San Juan shall constitute the twentieth district, and be entitled to one Senator.

SEC. 49. Until an apportionment of Representatives be made in accordance with the provisions of this article, they shall be divided among the several counties of the State in the following manner: The county of Arapahoe shall have seven; the counties of Boulder and Clear Creek, each, four; the counties of Gilpin and Las Animas, each, three; the counties of El Paso, Fremont, Huerfano, Jefferson, Pueblo and Weld, each, two; the counties of Bent, Costilla, Conejos, Douglas, Elbert, Grand, Hinsdale, Larimer, La Plata, Lake, Park, Rio Grande, Summit, Saguache and San Juan, each, one; and the counties of Costilla and Conejos, jointly, one.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SEC. 1. The judicial power of the State as to matters of law and equity, except as in the Constitution otherwise provided, shall be vested in a supreme court, district courts, county courts, justices of the peace, and such other courts as may be provided by law.

SUPREME COURT.

SEC. 2. The supreme court, except as otherwise provided in this Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, and shall have a general superintending control over all inferior courts, under such regulations and limitations as may be prescribed by law.

SEC. 3. It shall have power to issue writs of *habeas corpus*, *mandamus*, *quo warranto*, *certiorari*, injunction, and other remedial writs, with authority to hear and determine the same; and each judge of the supreme court shall have like power and authority as to writs of *habeas corpus*. The supreme court shall give its opinion on important questions upon solemn occasions when required by the Governor, the Senate, or the House of Representatives; and all such opinions shall be published in connection with the reported decisions of said court.

SEC. 4. At least two terms of the supreme court shall be held each year at the seat of government.

SEC. 5. The supreme court shall consist of three judges, a majority of whom shall be necessary to form a quorum or pronounce a decision.

SEC. 6. The judges of the supreme court shall be elected by the electors of the State at large as hereinafter provided.

SEC. 7. The term of office of the judges of the supreme court, except as in this article otherwise provided, shall be nine years.

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SEC. 8. The judges of the supreme court shall immediately after the first election under this Constitution be classified by lot so that one shall hold his office for the term of three years, one for the term of six years, and one for the term of nine years. The lot shall be drawn by the judges, who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the Secretary of the Territory, and filed in his office. The judge having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the chief justice, and shall preside at all terms of the supreme court, and, in case of his absence, the judge having in like manner the next shortest term to serve shall preside in his stead.

SEC. 9. There shall be a clerk of the supreme court, who shall be appointed by the judges thereof, and shall hold his office during the pleasure of said judges, and whose duties and emoluments shall be as prescribed by law, and by the rules of the supreme court.

SEC. 10. No person shall be eligible to the office of judge of the supreme court unless he be learned in the law, be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in this State or Territory at least two years next preceding his election.

DISTRICT COURTS.

SEC. 11. The district courts shall have original jurisdiction of all causes, both at law and in equity, and such appellate jurisdiction as may be conferred by law. They shall have original jurisdiction to determine all controversies upon relation of any person on behalf of the people, concerning the rights, duties and liabilities of railroad, telegraph or toll-road companies or corporations.

SEC. 12. The State shall be divided into judicial districts, in each of which there shall be elected by the electors thereof, one or more judges of the district court therein, as may be provided by law, whose terms of office shall be six years; the judges of the district courts may hold courts for each other, and shall do so when required by law, and the General Assembly may, by law, provide for the selection or election of a suitable person to preside in the trial of causes in special cases.

SEC. 13. Until otherwise provided by law, said districts shall be four in number, and constituted as follows, viz:

First District—The counties of Boulder, Jefferson, Gilpin, Clear Creek, Summit and Grand.

Second District—The counties of Arapahoe, Douglas, Elbert, Weld and Larimer.

Third District—The counties of Park, El Paso, Fremont, Pueblo, Bent, Las Animas and Huerfano.

Fourth District—The counties of Costilla, Conejos, Rio Grande, San Juan, La Plata, Hinsdale, Saguache and Lake.

SEC. 14. The General Assembly may (whenever two-thirds of the members of each house shall concur therein) increase or diminish the number of judges for any district, or increase or diminish the number of judicial districts, and the judges thereof. Such districts shall be formed of compact territory, and bounded by county lines; but such increase, diminution or change in the boundaries of a district shall not work the removal of any judge from his office during the term for which he shall have been elected or appointed.

SEC. 15. The judges of the district court first elected shall be chosen at the first general election. The General Assembly may provide that, after the year eighteen hundred and seventy-eight, the election of the judges of the supreme,

district, and county courts, and the district attorneys, or any of them, shall be on a different day from that on which an election is held for any other purpose, and for that purpose may extend or abridge the term of office of any such officers then holding, but not in any case more than six months. Until otherwise provided by law, such officers shall be elected at the time of holding the general elections. The terms of office of all judges of the district court elected in the several districts throughout the State, shall expire on the same day; and the terms of office of the district attorneys elected in the several districts throughout the State shall, in like manner, expire on the same day.

SEC. 16. No person shall be eligible to the office of district judge unless he be learned in the law, be at least thirty years old, and a citizen of the United States, nor unless he shall have resided in the State or Territory at least two years next preceding his election, nor unless he shall, at the time of his election, be an elector within the judicial district for which he is elected; *Provided*, That at the first election any person of the requisite age and learning, and who is an elector of the Territory of Colorado, under the laws thereof, at the time of the adoption of this Constitution, shall be eligible to the office of judge of the district court of the judicial district within which he is an elector.

SEC. 17. The time of holding courts within the said districts shall be as provided by law, but at least one term of the district court shall be held annually in each county, except in such counties as may be attached, for judicial purposes, to another county, wherein such courts are so held. This shall not be construed to prevent the holding of special terms, under such regulations as may be provided by law.

SEC. 18. The judges of the supreme and district courts shall each receive such salary as may be provided by law, and no such judge shall receive any other compensation, perquisite, or emolument for or on account of his office, in any form whatever, nor act as attorney or counsellor at law.

SEC. 19. There shall be a clerk of the district court in each county wherein a term is held, who shall be appointed by the judge of the district, to hold his office during the pleasure of the judge. His duties and compensation shall be as provided by law and regulated by the rules of the court.

SEC. 20. Until the General Assembly shall provide by law for fixing the terms of the courts aforesaid, the judges of the supreme and district courts, respectively, shall fix the terms thereof.

DISTRICT ATTORNEYS.

SEC. 21. There shall be elected by the qualified electors of each judicial district, at the general election in the year nineteen hundred and four, and every four years thereafter, a district attorney for such district, whose term of office shall be four years, and whose duties and salary or compensation, either from the fees or emoluments of his office or from the general county fund, as shall be, [as] provided by law. No person shall be eligible to the office of district attorney who shall not, at the time of his election, be at least twenty five years of age and possess all the qualifications of judges of the district courts, as provided in this article. The term of office of the district attorneys serving in the several districts, at the time of the adoption of this amendment, is hereby extended to the second Tuesday of January, in the year A. D. 1905.

COUNTY COURTS.

SEC. 22. There shall be elected at the general election in each organized county in the year nineteen hundred and four, and every four years thereafter, a

county judge, who shall be judge of the county court of said county, whose term of office shall be four years, and who shall be paid such salary or compensation, either from the fees and emoluments of his office or from the general county fund, as shall be provided by law. The term of office of the county judges serving at the time of the adoption of this amendment is hereby extended to the second Tuesday of January, in the year A. D. 1906.

SEC. 23. County courts shall be courts of record and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, appointment of guardians, conservators and administrators, and settlement of their accounts, and such other civil and criminal jurisdiction as may be conferred by law; *Provided*, Such courts shall not have jurisdiction in any case where the debt, damage, or claim, or value of property involved, shall exceed two thousand dollars, except in cases relating to the estates of deceased persons.

Appeals may be taken from county to district courts, or to the supreme court, in such cases and in such manner as may be prescribed by law. Writs of error shall lie from the supreme court to every final judgment of the county court. No appeal shall lie to the district court from any judgment given upon an appeal from a justice of the peace.

CRIMINAL COURT.

SEC. 24. The General Assembly shall have power to create and establish a criminal court in each county having a population exceeding fifteen thousand, which court may have concurrent jurisdiction with the district courts in all criminal cases not capital; the terms of such courts to be as provided by law.

JUSTICES OF THE PEACE.

SEC. 25. Justices of the peace shall have such jurisdiction as may be conferred by law; but they shall not have jurisdiction of any case wherein the value of the property or the amount in controversy exceeds the sum of three hundred dollars, nor where the boundaries or title to real property shall be called in question.

POLICE MAGISTRATES.

SEC. 26. The General Assembly shall have power to provide for creating such police magistrates for cities and towns as may be deemed from time to time necessary or expedient; who shall have jurisdiction of all cases arising under the ordinances of such cities and towns respectively.

MISCELLANEOUS.

SEC. 27. The judges of courts of record, inferior to the supreme court, shall, on or before the first day of July in each year, report in writing to the judges of the supreme court such defects and omissions in the laws as their knowledge and experience may suggest, and the judges of the supreme court shall, on or before the first day of December of each year, report in writing to the Governor, to be by him transmitted to the General Assembly, together with his message, such defects and omissions in the Constitution and laws as they may find to exist, together with appropriate bills for curing the same.

SEC. 28. All laws relating to courts shall be general and of uniform operation throughout the State; and the organization, jurisdiction, powers, proceedings and practice of all the courts of the same class or grade, so far as regulated by law, and the force and effect of the proceedings, judgments and decrees of such courts severally, shall be uniform.

SEC. 29. All officers provided for in this article, excepting judges of the supreme court, shall respectively reside in the district, county, precinct, city or

town for which they may be elected or appointed. Vacancies occurring in any of the offices provided for in this article shall be filled by appointment as follows: Of judges of the supreme and district courts, by the Governor; of district attorneys, by the judge of the court of the district for which such attorney was elected; and of all other judicial officers, by the Board of County Commissioners of the county wherein the vacancy occurs. Judges of the supreme, district and county courts appointed under the provisions of this section shall hold office until the next general election and until their successors elected thereat shall be duly qualified.

SEC. 30. All process shall run in the name of "The People of the State of Colorado;" all prosecutions shall be carried on in the name and by the authority of "The People of the State of Colorado," and conclude, "against the peace and dignity of the same."

ARTICLE VII.

SUFFRAGE AND ELECTIONS.

SEC. 1. Every person over the age of twenty-one years, possessing the following qualifications, shall be entitled to vote at all elections. He or she shall be a citizen of the United States, and shall have resided in the state twelve months immediately preceding the election at which he offers to vote, and in the county, city, town, ward or precinct, such time as may be prescribed by law.

SEC. 2. The General Assembly shall, at the first session thereof, and may at any subsequent session, enact laws to extend the right of suffrage to women of lawful age, and otherwise qualified according to the provisions of this article. No such enactment shall be of effect until submitted to the vote of the qualified electors at a general election, nor unless the same be approved by a majority of those voting thereon.

SEC. 3. The General Assembly may prescribe by law an educational qualification for electors; but no such law shall take effect prior to the year of our Lord one thousand eight hundred and ninety, (1890), and no qualified elector shall be thereby disqualified.

SEC. 4. For the purpose of voting and eligibility to office, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while in the civil or military service of the State, or of the United States, nor while a student at any institution of learning, nor while kept at public expense in any poor-house or other asylum, nor while confined in public prison.

SEC. 5. Voters shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

SEC. 6. No person except a qualified elector shall be elected or appointed to any civil or military office of the State.

SEC. 7. The general election shall be held on the first Tuesday in October in the years of our Lord eighteen hundred and seventy-six, eighteen hundred and seventy-seven, and eighteen hundred and seventy-eight, and annually thereafter on such day as may be prescribed by law.

SEC. 8. All elections by the people shall be by ballot; every ballot voted shall be numbered in the order in which it shall be received, and the number be recorded by the election officers on the list of voters opposite the name of the voter who presents the ballot. The election officers shall be sworn or affirmed not to enquire or disclose how any elector shall have voted. In all cases of contested elections the ballots cast may be counted, compared with the list of voters, and examined under such safeguards and regulations as may be prescribed by law.

SEC. 9. In trials of contested elections and for offenses arising under the election law no person shall be permitted to withhold his testimony on the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not be used against him in any judicial proceeding, except for perjury in giving such testimony.

SEC. 10. No person while confined in any public prison shall be entitled to vote; but every such person who was a qualified elector prior to such imprisonment, and who is released therefrom by virtue of a pardon, or by virtue of having served out his full term of imprisonment, shall, without further action, be invested with all the rights of citizenship, except as otherwise provided in this Constitution.

SEC. 11. The General Assembly shall pass laws to secure the purity of elections, and guard against abuses of the elective franchise.

SEC. 12. The General Assembly shall, by general law, designate the courts and judges by whom the several classes of election contests, not herein provided for, shall be tried, and regulate the manner of trial, and all matters incident thereto; but no such law shall apply to any contest arising out of an election held before its passage.

ARTICLE VIII.

STATE INSTITUTIONS.

SEC. 1. Educational, reformatory and penal institutions, and those for the benefit of the insane, blind, deaf and mute, and such other institutions as the public good may require, shall be established and supported by the State, in such manner as may be prescribed by law.

SEC. 2. The General Assembly shall have no power to change or locate the seat of government of the State, but shall at its first session subsequent to the year or our Lord one thousand eight hundred and eighty, provide by law for submitting the question of the permanent location of the seat of government to the qualified electors of the State, at the general election then next ensuing, and a majority of all the votes upon said question cast at said election shall be necessary to determine the location thereof. Said General Assembly shall also provide that in case there shall be no choice of location at said election, the question of choice between the two places for which the highest number of votes shall have been cast shall be submitted in like manner to the qualified electors of the State at the next general election; *Provided*, That until the seat of government shall have been permanently located as herein provided, the temporary location thereof shall remain at the city of Denver.

SEC. 3. When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed, except by a vote of two-thirds of all the qualified electors of the State voting on that question, at a general election, at which the question of location of the seat of government shall have been submitted by the General Assembly.

SEC. 4. The General Assembly shall make no appropriation or expenditure for capitol buildings or grounds, until the seat of government shall have been permanently located, as herein provided.

SEC. 5. The following Territorial institutions, to wit: The University at Boulder, the Agricultural College at Fort Collins, the School of Mines at Golden, the Institute for the Education of Mutes at Colorado Springs, shall, upon the adoption of this Constitution, become institutions of the State of Colorado, and the management thereof subject to the control of the State, under such laws and

regulations as the General Assembly shall provide; and the location of said institutions, as well as all gifts, grants, and appropriations of money and property, real and personal, heretofore made to said several institutions, are hereby confirmed to the use and benefit of the same respectively; *Provided*, This section shall not apply to any institution, the property, real or personal, of which is now vested in the trustees thereof, until such property be transferred by proper conveyance, together with the control thereof, to the officers provided for the management of said institution by this Constitution, or by law.

ARTICLE IX.

EDUCATION.

SEC. 1. The general supervision of the public schools of the State shall be vested in a board of education, whose powers and duties shall be prescribed by law; the Superintendent of Public Instruction, the Secretary of State and Attorney-General shall constitute the board, of which the Superintendent of Public Instruction shall be president.

SEC. 2. The General Assembly shall, as soon as practicable, provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the State, wherein all the residents of the State between the ages of six and twenty-one years may be educated gratuitously. One or more public schools shall be maintained in each school district within the State, at least three months in each year; any school district failing to have such school shall not be entitled to receive any portion of the school fund for that year.

SEC. 3. The public school fund of the State shall forever remain inviolate and intact; the interest thereon only shall be expended in the maintenance of the schools of the State, and shall be distributed amongst the several counties and school districts of the State, in such manner as may be prescribed by law. No part of this fund, principal or interest, shall ever be transferred to any other fund, or used or appropriated except as herein provided. The State Treasurer shall be the custodian of this fund, and the same shall be securely and profitably invested as may be by law directed. The State shall supply all losses thereof that may in any manner occur.

SEC. 4. Each county treasurer shall collect all school funds belonging to his county and the several school districts therein, and disburse the same to the proper districts upon warrants drawn by the county superintendent or by the proper district authorities, as may be provided by law.

SEC. 5. The public school fund of the State shall consist of the proceeds of such lands as have heretofore been, or may hereafter be, granted to the State by the general government for educational purposes; all estates that may escheat to the State; also all other grants, gifts or devices that may be made to this State for educational purposes.

SEC. 6. There shall be a county superintendent of schools in each county, whose term of office shall be two years, and whose duties, qualifications and compensation shall be prescribed by law. He shall be *ex officio* commissioner of lands within his county, and shall discharge the duties of said office under the direction of the state board of land commissioners, as directed by law.

SEC. 7. Neither the General Assembly, nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation, or pay from any public fund or moneys whatever, anything in aid of any church or sectarian society, or for any sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatsoever; nor shall any grant or donation of land, money or other personal property, ever be

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made by the State, or any such public corporation, to any church or for any sectarian purpose.

SEC. 8. No religious test or qualification shall ever be required of any person as a condition of admission into any public educational institution of the State, either as teacher or student; and no teacher or student of any such institution shall ever be required to attend or participate in any religious service whatever. No sectarian tenets or doctrines shall ever be taught in the public schools, nor shall any distinction or classification of pupils be made on account of race or color.

SEC. 9. The Governor, Superintendent of Public Instruction, Secretary of State and Attorney-General shall constitute the State Board of Land Commissioners, who shall have the direction, control and disposition of the public lands of the State, under such regulations as may be prescribed by law.

SEC. 10. It shall be the duty of the State Board of Land Commissioners to provide for the location, protection, sale or other disposition of all the lands heretofore or which may hereafter be granted to the State by the general government, under such regulations as may be prescribed by law, and in such manner as will secure the maximum possible amount therefor. No law shall ever be passed by the General Assembly granting any privileges to persons who may have settled upon any such public lands subsequent to the survey thereof by the general government, by which the amount to be derived by the sale, or other disposition of such lands, shall be diminished, directly or indirectly. The General Assembly shall, at the earliest practicable period, provide by law that the several grants of land made by Congress to the State shall be judiciously located and carefully preserved and held in trust subject to disposal, for the use and benefit of the respective objects for which said grants of land were made; and the General Assembly shall provide for the sale of said lands from time to time; and for the faithful application of the proceeds thereof in accordance with the terms of said grants.

SEC. 11. The General Assembly may require, by law, that every child of sufficient mental and physical ability shall attend the public school during the period between the ages of six and eighteen years, for a time equivalent to three years, unless educated by other means.

SEC. 12. There shall be elected by the qualified electors of the State, at the first general election under this Constitution, six regents of the university, who shall immediately after their election be so classified, by lot, that two shall hold their office for the term of two years, two for four years, and two for six years; and every two years after the first election there shall be elected two regents of the university, whose term of office shall be six years. The regents thus elected, and their successors, shall constitute a body corporate, to be known by the name and style of "The Regents of the University of Colorado."

SEC. 13. The regents of the university shall, at their first meeting, or as soon thereafter as practicable, elect a president of the university, who shall hold his office until removed by the board of regents for cause; he shall be, *ex-officio*, a member of the board, with the privilege of speaking, but not of voting, except in cases of a tie; he shall preside at the meetings of the board, and be the principal executive officer of the university, and a member of the faculty thereof.

SEC. 14. The board of regents shall have the general supervision of the university, and the exclusive control and direction of all funds of, and appropriations for, the university.

SEC. 15. The General Assembly shall, by law, provide for organization of school districts of convenient size, in each of which shall be established a board of education, to consist of three or more directors, to be elected by the qualified electors of the district. Said directors shall have control of instruction in the public schools of their respective districts.

SEC. 16. Neither the General Assembly nor the State Board of Education shall have power to prescribe text books to be used in the public schools.

ARTICLE X.

REVENUE.

SEC. 1. The fiscal year shall commence on the first day of October in each year, unless otherwise provided by law.

SEC. 2. The General Assembly shall provide by law for an annual tax, sufficient, with other resources, to defray the estimated expenses of the State Government for each fiscal year.

SEC. 3. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and collected under general laws which shall prescribe such regulations as shall secure a just valuation for the taxation of all property, real and personal; *Provided*, That the household goods of every person being the head of a family, to the value of two hundred dollars, shall be exempt from taxation. Ditches, canals, and flumes owned and used by individuals or corporations for irrigating lands owned by such individuals or corporations, or the individual members thereof, shall not be separately taxed so long as they shall be owned and used exclusively for such purpose; *And provided further*, That the provisions of this section shall not affect such special assessments for benefits and municipal improvements as the corporate authorities of cities, towns or improvement districts may assess and collect under provisions to be prescribed by law.

SEC. 4. The property, real and personal, of the State, counties, cities, towns and other municipal corporations, and public libraries, shall be exempt from taxation.

SEC. 5. Lots with the buildings thereon, if said buildings are used solely and exclusively for religious worship, for schools or for strictly charitable purposes, also cemeteries not used or held for private or corporate profit, shall be exempt from taxation, unless otherwise provided by general law.

SEC. 6. All laws exempting from taxation property other than that hereinbefore mentioned shall be void.

SEC. 7. The General Assembly shall not impose taxes for the purposes of any county, city, town, or other municipal corporation, but may by law vest in the corporate authorities thereof respectively the power to assess and collect taxes for all purposes of such corporation.

SEC. 8. No county, city, town, or other municipal corporation, the inhabitants thereof, nor the property therein, shall be released or discharged from their or its proportionate share of taxes to be levied for State purposes.

SEC. 9. The power to tax corporations and corporate property, real and personal, shall never be relinquished or suspended.

SEC. 10. All corporations in this State, or doing business therein, shall be subject to taxation for State, county, school, municipal, and other purposes, on the real and personal property owned or used by them within the territorial limits of the authority levying the tax.

SEC. 11. The rate of taxation on property for State purposes, shall never exceed four mills on each dollar of valuation.

SEC. 12. The treasurer shall keep a separate account of each fund in his hands; and shall, at the end of each quarter of the fiscal year, report to the Governor in writing, under oath, the amount of all moneys in his hands to the credit of every such fund, and the place where the same are kept or deposited, and the number and amount of every warrant received, and the number and amount of

every warrant paid therefrom during the quarter. Swearing falsely to any such report shall be deemed perjury. The Governor shall cause every such report to be immediately published in at least one newspaper printed at the seat of government, and otherwise as the General Assembly may require. The General Assembly may provide by law further regulations for the safe keeping and management of the public funds in the hands of the treasurer, but, notwithstanding any such regulation, the treasurer and his sureties shall in all cases be held responsible therefor.

SEC. 13. The making of profit, directly or indirectly, out of State, county, city, town or school district money, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

SEC. 14. Private property shall not be taken or sold for the payment of the corporate debt of municipal corporations.

SEC. 15. There shall be a State Board of Equalization, consisting of the Governor, State Auditor, State Treasurer, Secretary of State, and Attorney-General; also, in each county of this State, a county board of equalization, consisting of the board of county commissioners of said county. The duty of the State Board of Equalization shall be to adjust and equalize the valuation of real and personal property among the several counties of the State. The duty of the county board of equalization shall be to adjust and equalize the valuation of real and personal property within their respective counties. Each board shall also perform such other duties as may be prescribed by law.

SEC. 16. No appropriation shall be made nor any expenditure authorized by the General Assembly whereby the expenditure of the State during any fiscal year shall exceed the total tax then provided for by law and applicable for such appropriation or expenditure unless the General Assembly making such appropriation shall provide for levying a sufficient tax not exceeding the rates allowed in section eleven of this article to pay such appropriation or expenditure within such fiscal year. This provision shall not apply to appropriations or expenditures to suppress insurrection, defend the State, or assist in defending the United States in time of war.

ARTICLE XI.

PUBLIC INDEBTEDNESS.

SEC. 1. Neither the State nor any county, city, town, township or school district shall lend or pledge the credit or faith thereof, directly or indirectly, in any manner to or in aid of any person, company or corporation, public or private, for any amount or for any purpose whatever, or become responsible for any debt, contract or liability of any person, company or corporation, public or private, in or out of the State.

SEC. 2. Neither the State nor any county, city, town, township or school district, shall make any donation or grant to, or in aid of, or become a subscriber to, or shareholder in, any corporation or company, or a joint owner with any person, company or corporation, public or private, in or out of the State, except as to such ownership as may accrue to the State by escheat, or by forfeiture, by operation or provision of law; and except as to such ownership as may accrue to the State, or to any county, city, town, township or school district, or to either or any of them, jointly with any person, company or corporation, by forfeiture or sale of real estate for non-payment of taxes, or by donation or devise for public use, or by purchase by or on behalf of any or either of them, jointly with any or either of them, under execution in cases of fines, penalties or forfeiture of recognizance,

breach of condition of official bond, or of bond to secure public moneys, or the performance of any contract in which they or any of them may be jointly or severally interested.

SEC. 3. The State shall not contract any debt by loan in any form except to provide for casual deficiencies of revenue, erect public buildings for use of the State, suppress insurrection, defend the State, or, in time of war, assist in defending the United States; and the amount of the debt contracted in any one year to provide for deficiencies of revenue shall not exceed one-fourth of a mill on each dollar of valuation of taxable property within the State, and the aggregate amount of such debt shall not at any time exceed three-fourths of a mill on each dollar of said valuation until the valuation shall equal one hundred millions of dollars, and thereafter such debt shall not exceed one hundred thousand dollars, and the debt incurred in any one year for erection of public buildings shall not exceed one-half mill on each dollar of said valuation, and the aggregate amount of such debt shall never at any time exceed the sum of fifty thousand dollars (except as provided in section five of this article), and in all cases the valuation in this section mentioned shall be that of the assessment last preceding the creation of said debt.

SEC. 4. In no case shall any debt above mentioned in this article be created except by a law which shall be irrepalable until the indebtedness therein provided for shall have been fully paid or discharged; such law shall specify the purposes to which the funds so raised shall be applied, and provide for the levy of a tax sufficient to pay the interest on, and extinguish the principal of such debt within the time limited by such law for the payment thereof, which in the case of debts contracted for the erection of public buildings and supplying deficiencies of revenue, shall not be less than ten nor more than fifteen years, and the funds arising from the collection of any such tax shall not be applied to any other purpose than that provided in the law levying the same; and when the debt thereby created shall be paid or discharged, such tax shall cease, and the balance, if any, to the credit of the fund, shall immediately be placed to the credit of the general fund of the State.

SEC. 5. A debt for the purpose of erecting public buildings may be created by law, as provided for in section four of this article, not exceeding in the aggregate three mills on each dollar of said valuation; *Provided*, That before going into effect such law shall be ratified by the vote of a majority of such qualified electors of the State as shall vote thereon at a general election, under such regulations as the General Assembly may prescribe.

SEC. 6. No county shall contract any debt by loan in any form except for the purpose of erecting necessary public buildings, making or repairing public roads and bridges; and such indebtedness contracted in any one year shall not exceed the rates upon the taxable property in such county, following, to wit: Counties in which the assessed valuation of taxable property shall exceed five millions of dollars, one dollar and fifty cents on each thousand dollars thereof; Counties in which such valuation shall be less than five millions of dollars, three dollars on each thousand dollars thereof; And the aggregate amount of indebtedness of any county for all purposes, exclusive of debts contracted before the adoption of this Constitution, shall not at any time exceed twice the amount above herein limited, unless when in manner provided by law, the question of incurring such debt shall, at a general election, be submitted to such of the qualified electors of such county as in the year last preceding such election shall have paid a tax upon property assessed to them in such county, and a majority of those voting thereon shall vote in favor of incurring the debt; but the bonds, if any be issued therefor,

shall not run less than ten years, and the aggregate amount of debt so contracted shall not at any time exceed twice the rate upon the valuation last herein mentioned; *Provided*, That any county in this State which has an indebtedness outstanding, either in the form of warrants issued for purposes provided by law prior to December 31, A. D. 1886, or in the form of funding bonds issued prior to such date for such warrants previously outstanding, or in the form of public building, road or bridge bonds outstanding at such date, may contract a debt by loan by the issuance of bonds for the purpose of liquidating such indebtedness, provided the question of issuing said bonds shall, at a general or special election called for that purpose, be submitted to the vote of such of the duly qualified electors of such county as in the year last preceding such election shall have paid a tax upon property assessed in such county, and the majority of those voting thereon shall vote in favor of issuing the bonds. Such election shall be held in the manner prescribed by the laws of this State for the issuance of road, bridge and public building bonds, and the bonds authorized at such election shall be issued and provision made for their redemption in the same manner as provided in said law.

SEC. 7. No debt by loan in any form shall be contracted by any school district for the purpose of erecting and furnishing school buildings, or purchasing grounds, unless the proposition to create such debt shall first be submitted to such qualified electors of the district as shall have paid a school tax therein in the year next preceding such election, and a majority of those voting thereon shall vote in favor of incurring such debt.

SEC. 8. No city or town shall contract any debt by loan in any form, except by means of an ordinance, which shall be irrevocable, until the indebtedness therein provided for shall have been fully paid or discharged; specifying the purposes to which the funds to be raised shall be applied, and providing for the levy of a tax; not exceeding twelve (12) mills on each dollar of valuation of taxable property within such city or town, sufficient to pay the annual interest, and extinguish the principal of such debt within fifteen, but not less than ten years from the creation thereof; and such tax when collected shall be applied only to the purposes in such ordinance specified, until the indebtedness shall be paid or discharged. But no such debt shall be created unless the question of incurring the same shall at a regular election for councilmen, aldermen or officers of such city or town, be submitted to a vote of such qualified electors thereof as shall, in the year next preceding, have paid a property tax therein, and a majority of those voting on the question, by ballot deposited in a separate ballot-box, shall vote in favor of creating such debt; but the aggregate amount of debt so created, together with the debt existing at the time of such election, shall not at any time exceed three per cent. of the valuation last aforesaid. Debts contracted for supplying water to such city or town are excepted from the operation of this section. The valuation in this section mentioned shall be in all cases that of the assessment next preceding the last assessment before the adoption of such ordinance.

SEC. 9. Nothing contained in this article shall be so construed as to either impair or add to the obligation of any debt heretofore contracted by any county, city, town, or school district, in accordance with the laws of Colorado Territory, or prevent the contracting of any debt, or the issuing of bonds therefor, in accordance with said laws, upon any proposition for that purpose which may have been, according to said laws, submitted to a vote of the qualified electors of any county, city, town or school district, before the day on which this Constitution takes effect.

ARTICLE XII.

OFFICERS.

SEC. 1. Every person holding any civil office under the State, or any municipality therein, shall, unless removed according to law, exercise the duties of such office until his successor is duly qualified; but this shall not apply to members of the General Assembly, nor to members of any board or assembly, two or more of whom are elected at the same time; the General Assembly may by law provide for suspending any officer in his functions, pending impeachment or prosecution for misconduct in office.

SEC. 2. No person shall hold any office or employment of trust or profit under the laws of the State, or any ordinance of any municipality therein, without devoting his personal attention to the duties of the same.

SEC. 3. No person who is now or hereafter may become a collector or receiver of public money, or the deputy or assistant of such collector or receiver, and who shall have become a defaulter in his office, shall be eligible to or assume the duties of any office of trust or profit in this State under the laws thereof, or of any municipality therein, until he shall have accounted for and paid over all public money for which he may be accountable.

SEC. 4. No person hereafter convicted of embezzlement of public money, bribery, perjury, solicitation of bribery, or subornation of perjury, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this State.

SEC. 5. The district court of each county shall at each term thereof specially give in charge to the grand jury, if there be one, the laws regulating the accountability of the county treasurer, and shall appoint a committee of such grand jury, or of other reputable persons, not exceeding five, to investigate the official accounts and affairs of the treasurer of such county, and report to the court the condition thereof. The judge of the district court may appoint a like committee in vacation at any time, but not oftener than once in every three months. The district court of the county wherein the seat of government may be shall have the like power to appoint committees to investigate the official accounts and affairs of the State Treasurer and the Auditor of State.

SEC. 6. Any civil officer or member of the General Assembly who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote, official influence, or action or for withholding the same, or with an understanding that his official influence or action shall [be] in any way influenced thereby, or who shall solicit or demand any such money or advantage, matter or thing aforesaid, for another, as the consideration of his vote, official influence or action, or for withholding the same, or shall give or withhold his vote, official influence or action, in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery, or solicitation of bribery, as the case may be, within the meaning of this Constitution, and shall incur the disabilities provided thereby for such offense, and such additional punishment as is or shall be prescribed by law.

SEC. 7. Every member of the General Assembly shall, before he enters upon his official duties, take an oath or affirmation to support the Constitution of the United States and of the State of Colorado, and to faithfully perform the duties of his office according the best of his ability. This oath, or affirmation, shall be administered in the hall of the House to which the member shall have been elected.

CONSTITUTION OF COLORADO.

SEC. 8. Every civil officer, except members of the General Assembly and such inferior officers as may be by law exempted, shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation to support the Constitution of the United States and of the State of Colorado, and to faithfully perform the duties of the office upon which he is about to enter.

SEC. 9. Officers of the executive department and judges of the supreme and district courts, and district attorneys, shall file their oaths of office with the Secretary of State; every other officer shall file his oath of office with the county clerk of the county wherein he shall have been elected.

SEC. 10. If any person elected or appointed to any office shall refuse or neglect to qualify therein within the time prescribed by law, such office shall be deemed vacant.

SEC. 11. The term of office of any officer elected to fill a vacancy shall terminate at the expiration of the term during which the vacancy occurred.

SEC. 12. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in the State.

ARTICLE XIII.

IMPEACHMENTS.

SEC. 1. The House of Representatives shall have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary to an impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose the Senators shall be upon oath or affirmation to do justice according to law and evidence. When the Governor or Lieutenant-Governor is on trial, the chief justice of the supreme court shall preside. No person shall be convicted without a concurrence of two-thirds of the Senators elected.

SEC. 2. The Governor and other State and judicial officers, except county judges and justices of the peace, shall be liable to impeachment for high crimes or misdemeanors, or malfeasance in office, but judgment in such cases shall only extend to removal from office and disqualification to hold any office of honor, trust or profit in the State. The party, whether convicted or acquitted, shall nevertheless be liable to prosecution, trial, judgment and punishment according to law.

SEC. 3. All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

ARTICLE XIV.

COUNTIES.

SEC. 1. The several counties of the Territory of Colorado, as they now exist, are hereby declared to be counties of the State.

SEC. 2. The General Assembly shall have no power to remove the county seat of any county, but the removal of county seats shall be provided for by general law, and no county seat shall be removed unless a majority of the qualified electors of the county, voting on the proposition at a general election, vote therefor; and no such proposition shall be submitted oftener than once in four years, and no person shall vote on such proposition who shall not have resided in the county six months and in the election precinct ninety days next preceding such election.

SEC. 3. No part of the territory of any county shall be stricken off and added to an adjoining county without first submitting the question to the qualified voters of the county from which the territory is proposed to be stricken off; nor unless a majority of all the qualified voters of said county voting on the question shall vote therefor.

SEC. 4. In all cases of the establishment of any new county, the new county shall be held to pay its ratable proportion of all then existing liabilities of the county or counties from which such new county shall be formed.

SEC. 5. When any part of a county is stricken off and attached to another county, the part stricken off shall be held to pay its ratable proportion of all then existing liabilities of the county from which it is taken.

COUNTY OFFICERS.

SEC. 6. In each county having a population of less than seventy thousand there shall be elected, for a term of four years each, three county commissioners who shall hold sessions for the transaction of county business as provided by law; any two of whom shall constitute a quorum for the transaction of business. Two of said commissioners shall be elected at the general election in the year nineteen hundred and four, and at the general election every four years thereafter; and the other one of said commissioners shall be elected at the general election in the year nineteen hundred and six, and at the general election every four years thereafter; Provided, That when the population of any county shall equal or exceed seventy thousand, the board of county commissioners may consist of five members, any three of whom shall constitute a quorum for the transaction of business. Three of said commissioners in said county shall be elected at the general election in the year nineteen hundred and four, and at the general election every four years thereafter; and the other two of said commissioners in such county shall be elected at the general election in the year nineteen hundred and six and every four years thereafter; and all of such commissioners shall be elected for the term of four years. The term of office of the county commissioners in each county that expires in January, 1904, is hereby extended to the second Tuesday in January, A. D. 1905, and the term of office of the county commissioners that expires in January, 1906, is hereby extended to the second Tuesday in January, A. D. 1907; and in counties having a population of more than seventy thousand, the term of office of the commissioners that expire in 1904 shall be extended to the second Tuesday in January, 1905, and the term of office of the county commissioners that expire in 1906 is hereby extended to the second Tuesday in January, 1907. This section shall govern, except as hereinafter otherwise expressly directed or permitted by constitutional enactment.

SEC. 7. The compensation of all county and precinct officers shall be as provided by law.

SEC. 8. There shall be elected in each county, at the same time at which members of the general assembly are elected, commencing in the year nineteen hundred and four, one county clerk, who shall be ex officio recorder of deeds and clerk of the board of county commissioners; one sheriff; one coroner; one treasurer, who shall be collector of taxes; one county superintendent of schools; one county surveyor; one county assessor; one county attorney, who may be elected, or appointed, as shall be provided by law; and such officers shall be paid such salary or compensation, either from the fees, perquisites and emoluments of their respective offices, or from the general county fund, as may be provided by law. The term of office of all such officials that expire in January, 1904, is hereby extended to the second Tuesday in January, A. D. 1905. This section shall govern, except as hereinafter otherwise expressly directed or permitted by constitutional enactment.

SEC. 9. In case of a vacancy occurring in the office of county commissioner, the Governor shall fill the same by appointment; and in case of a vacancy in any other county office, or in any precinct office, the board of county commissioners shall fill the same by appointment; and the person appointed shall hold the office until the next general election, or until the vacancy be filled by election according to law.

SEC. 10. No person shall be eligible to any county office unless he shall be a qualified elector; nor unless he shall have resided in the county one year preceding his election.

SEC. 11. There shall be elected at the same time at which members of the general assembly are elected, beginning with the year nineteen hundred and four, two justices of the peace and two constables in each precinct in each county, who shall hold their office for a term of two years; Provided, That in precincts containing fifty thousand (50,000) or more inhabitants, the number of justices and constables may be increased as provided by law. The term of offices of all justices of the peace that expires in January, 1904, is hereby extended to the second Tuesday in January, 1905. This section shall govern, except as hereinafter otherwise expressly directed or permitted by constitutional enactment.

SEC. 12. The General Assembly shall provide for the election or appointment of such other county, township, precinct and municipal officers as public convenience may require; and their terms of office shall be as prescribed by law, not in any case to exceed two years.

SEC. 13. The General Assembly shall provide by general laws for the organization and classification of cities and towns. The number of such classes shall not exceed four, and the powers of each class shall be defined by general laws, so that all municipal corporations of the same class shall possess the same powers and be subject to the same restrictions.

SEC. 14. The General Assembly shall also make provision by general law whereby any city, town or village, incorporated by any special or local law, may elect to become subject to and be governed by the general law relating to such corporations.

SEC. 15. For the purpose of providing for and regulating the compensation of county and precinct officers, the General Assembly shall by law classify the several counties of the State according to population, and shall grade and fix the compensation of the officers within the respective classes according to the population thereof. Such law shall establish scales of fees to be charged and collected by such of the county and precinct officers as may be designated therein for services to be performed by them respectively; and where salaries are provided, the same shall be payable only out of the fees actually collected in all cases where fees are prescribed. All fees, perquisites and emoluments above the amount of such salaries shall be paid into the county treasury.

ARTICLE XV.

CORPORATIONS.

SEC. 1. All existing charters or grants of special or exclusive privileges under which the corporators or grantees shall not have organized and commenced business in good faith at the time of the adoption of this Constitution, shall thereafter have no validity.

SEC. 2. No charter of incorporation shall be granted, extended, changed or amended by special law, except for such municipal, charitable, educational, penal or reformatory corporations as are or may be under the control of the State; but the General Assembly shall provide by general laws for the organization of corporations hereafter to be created.

SEC. 3. The General Assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this Constitution, or any that may hereafter be created, whenever in their opinion it may be injurious to the citizens of the State, in such manner, however, that no injustice shall be done to the corporators.

SEC. 4. All railroads shall be public highways, and all railroad companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any designated points within this State, and to connect at the State line with railroads of other States and Territories. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad.

SEC. 5. No railroad corporation, or the lessees or managers thereof, shall consolidate its stock, property or franchises with any other railroad corporation owning or having under its control a parallel or competing line.

SEC. 6. All individuals, associations and corporations shall have equal rights to have persons and property transported over any railroad in this State, and no undue or unreasonable discrimination shall be made in charges or in facilities for transportation of freight or passengers within the State, and no railroad company, nor any lessee, manager or employe thereof, shall give any preference to individuals, associations or corporations in furnishing cars or motive power.

SEC. 7. No railroad or other transportation company in existence at the time of the adoption of this Constitution, shall have the benefit of any future legislation without first filing in the office of the Secretary of State an acceptance of the provisions of this Constitution, in binding form.

SEC. 8. The right of eminent domain shall never be abridged, nor so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies and subjecting them to public use, the same as the property of individuals; and the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

SEC. 9. No corporation shall issue stocks or bonds, except for labor done, service performed, or money or property actually received, and all fictitious increase of stock or indebtedness shall be void. The stock of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding a majority of the stock, first obtained at a meeting held after at least thirty days' notice given in pursuance of law.

SEC. 10. No foreign corporation shall do any business in this State without having one or more known places of business and an authorized agent or agents in the same, upon whom process may be served.

SEC. 11. No street railroad shall be constructed within any city, town or incorporated village, without the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

SEC. 12. The General Assembly shall pass no law for the benefit of a railroad or other corporation, or any individual or association of individuals, retrospective in its operations, or which imposes on the people of any county or municipal subdivision of the State, a new liability in respect to transactions or considerations already past.

SEC. 13. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines, and the General Assembly shall by general law of uniform operation provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with or hold a controlling interest in the stock or bonds of any other telegraph company owning or having the control of a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

SEC. 14. If any railroad, telegraph, express or other corporation organized under any of the laws of this State, shall consolidate, by sale or otherwise, with any railroad, telegraph, express or other corporation organized under any laws of any other State or Territory, or of the United States, the same shall not thereby become a foreign corporation, but the courts of this State shall retain jurisdiction over that part of the corporate property within the limits of the State in all matters which may arise, as if said consolidation had not taken place.

SEC. 15. It shall be unlawful for any person, company or corporation to require of its servants or employees, as a condition of their employment or otherwise, any contract or agreement whereby such person, company or corporation shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employees while in the service of such person, company or corporation, by reason of the negligence of such person, company or corporation, or the agents or employees thereof, and such contracts shall be absolutely null and void.

ARTICLE XVI.

MINING AND IRRIGATION.

MINING.

SEC. 1. There shall be established and maintained the office of commissioner of mines, the duties and salaries of which shall be prescribed by law. When said office shall be established, the Governor shall, with the advice and consent of the Senate, appoint thereto a person known to be competent, whose term of office shall be four years.

SEC. 2. The General Assembly shall provide by law for the proper ventilation of mines, the construction of escapement shafts, and such other appliances as may be necessary to protect the health and secure the safety of the workmen therein; and shall prohibit the employment in the mines of children under twelve years of age.

SEC. 3. The General Assembly may make such regulations, from time to time, as may be necessary for the proper equitable drainage of mines.

SEC. 4. The General Assembly may provide that the science of mining and metallurgy be taught in one or more of the institutions of learning under the patronage of the State.

IRRIGATION.

SEC. 5. The water of every natural stream, not heretofore appropriated, within the State of Colorado, is hereby declared to be the property of the public, and the same is dedicated to the use of the people of the State, subject to appropriation as hereinafter provided.

SEC. 6. The right to divert unappropriated water of any natural stream to waters of any natural stream for beneficial uses shall never be denied. Priority of appropriation shall give the better right as between those using the water for the same purpose; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose, and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes.

SEC. 7. All persons and corporations shall have the right of way across public, private and corporate lands for the construction of ditches, canals and flumes, for the purpose of conveying water for domestic purposes, for the irrigation of agri-

cultural lands, and for mining and manufacturing purposes, and for drainage, upon payment of just compensation.

SEC. 8. The General Assembly shall provide by law that the Board of County Commissioners, in their respective counties, shall have power, when application is made to them by either party interested, to establish reasonable maximum rates to be charged for the use of water, whether furnished by individuals or corporations.

ARTICLE XVII.

MILITIA.

SEC. 1. The militia of the State shall consist of all able-bodied male residents of the State, between the ages of eighteen and forty-five years, except such persons as may be exempted by the laws of the United States or of the State.

SEC. 2. The organization, equipment and discipline of the militia shall conform, as nearly as practicable, to the regulations for the government of the armies of the United States.

SEC. 3. The Governor shall appoint all general, field and staff officers, and commission them. Each company shall elect its own officers, who shall be commissioned by the Governor; but if any company shall fail to elect such officers within the time prescribed by law, they may be appointed by the Governor.

SEC. 4. The General Assembly shall provide for the safe keeping of the public arms, military records, relics and banners of the State.

SEC. 5. No person having conscientious scruples against bearing arms shall be compelled to do militia duty in time of peace; *Provided*, Such person shall pay an equivalent for such exemption.

ARTICLE XVIII.

MISCELLANEOUS.

SEC. 1. The General Assembly shall pass liberal homestead and exemption laws.

SEC. 2. The General Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this State.

SEC. 3. It shall be the duty of the General Assembly to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by mutual agreement of the parties to any controversy, who may choose that mode of adjustment. The powers and duties of such arbitrators shall be as prescribed by law.

SEC. 4. The term felony, wherever it may occur in this Constitution, or the laws of the State, shall be construed to mean any criminal offense punishable by death or imprisonment in the penitentiary, and none other.

SEC. 5. The General Assembly shall prohibit by law the importation into this State, for the purpose of sale, of any spurious, poisonous or drugged spirituous liquors, or spirituous liquors adulterated with any poisonous or deleterious substance, mixture, or compound; and shall prohibit the compounding or manufacture within this State, except for chemical or mechanical purposes, of any of said liquors, whether they be denominated spirituous, vinous, malt or otherwise; and shall also prohibit the sale of any such liquors to be used as a beverage, and any violation of either of said prohibitions shall be punished by fine and imprisonment. The General Assembly shall provide by law for the condemnation and destruction of all spurious, poisonous or drugged liquors herein prohibited.

SEC. 6. The General Assembly shall enact laws in order to prevent the destruction of and to keep in good preservation the forests upon the lands of the State, or upon the lands of the public domain, the control of which shall be conferred by congress upon the State.

SEC. 7. The General Assembly may provide that the increase in the value of private lands caused by the planting of hedges, orchards and forests thereon shall not for a limited time, to be fixed by law, be taken into account in assessing such lands for taxation.

SEC. 8. The General Assembly shall provide for the publication of the laws passed at each session thereof; and until the year 1900 they shall cause to be published in Spanish and German a sufficient number of copies of said laws to supply that portion of the inhabitants of the State who speak those languages and who may be unable to read and understand the English language.

ARTICLE XIX.

AMENDMENTS.

SEC. 1. The General Assembly may at any time by a vote of two-thirds of the members elected to each House recommend to the electors of the State to vote at the next general election for or against a convention to revise, alter and amend this Constitution; and if a majority of those voting on the question shall declare in favor of such convention the General Assembly shall at its next session provide for the calling thereof. The number of members of the convention shall be twice that of the Senate and they shall be elected in the same manner, at the same places, and in the same districts. The General Assembly shall, in the act of calling the convention designate the day, hour and place of its meeting, fix the pay of its members and officers, and provide for the payment of the same, together with the necessary expenses of the convention. Before proceeding the members shall take an oath to support the Constitution of the United States and of the State of Colorado and to faithfully discharge their duties as members of the convention. The qualifications of members shall be the same as of members of the Senate and vacancies occurring shall be filled in the manner provided for filling vacancies in the General Assembly. Said convention shall meet within three months after such election and prepare such revisions, alterations or amendments to the Constitution as may be deemed necessary, which shall be submitted to the electors for their ratification or rejection, at an election appointed by the convention for that purpose, not less than two nor more than six months after adjournment thereof; and unless so submitted and approved by a majority of the electors voting at the election no such revision, alteration or amendment shall take effect.

SEC. 2. Any amendment or amendments to this constitution may be proposed in either House of the General Assembly, and if the same shall be voted for by two-thirds of all the members elected to each House, such proposed amendment or amendments, together with the ayes and noes of each House thereon, shall be entered in full on their respective journals; the proposed amendment or amendments shall be published with the laws of that session of the General Assembly, and the Secretary of State shall also cause the said amendment or amendments to be published in full in not more than one newspaper of general circulation in each county, for four successive weeks previous to the next general election for members to the General Assembly; and at said election the said amendment or amendments shall be submitted to the qualified electors of the State for their approval or rejection, and such as are approved by a majority of those voting thereon shall become part of this constitution.

Provided, that if more than one amendment be submitted at any general election, each of said amendments shall be voted upon separately and votes thereon cast shall be separately counted the same as though but one amendment was submitted. But the General Assembly shall have no power to propose amendments to more than six articles of this constitution at the same session.

ARTICLE XX.

CITY AND COUNTY OF DENVER. INCORPORATION.

SEC. 1. The municipal corporation known as the city of Denver, and all municipal corporations and that part of the quasi-municipal corporation known as the county of Arapahoe, in the state of Colorado, included within the exterior boundaries of the said city of Denver as the same shall be bounded when this amendment takes effect, are hereby consolidated and are hereby declared to be a single body politic and corporate, by the name of the "City and County of Denver." By that name said corporation shall have perpetual succession, and shall own, possess and hold all property, real and personal, theretofore owned, possessed or held by the said city of Denver and by such included municipal corporations, and also all property, real and personal, theretofore owned, possessed or held by the said county of Arapahoe, and shall assume, manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities, and shall acquire all benefits, and shall assume and pay all bonds, obligations and indebtedness of said city of Denver and of said included municipal corporations and of the county of Arapahoe; by that name may sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold and enjoy, or sell and dispose of, real and personal property; may receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for public, charitable or other purposes; and do all things and acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust; shall have the power, within or without its territorial limits, to construct, condemn and purchase, purchase, acquire, lease, add to, maintain, conduct and operate, water works, light plants, power plants, transportation systems, heating plants, and any other public utilities or works or ways local in use and extent, in whole or in part, and everything required therefor, for the use of said city and county and the inhabitants thereof, and any such systems, plants or works or ways, or any contracts in relation or connection with either, that may exist and which said city and county may desire to purchase, in whole or in part, the same or any part thereof may be purchased by said city and county which may enforce such purchase by proceedings at law as in taking land for public use by right of eminent domain, and shall have the power to issue bonds upon the vote of the taxpaying electors, at any special or general election, in any amount necessary to carry out any of said powers or purposes, as may by the charter be provided.

The general annexation and consolidation statutes of the state shall apply to the city and county of Denver to the same extent and in the same manner that they would apply to the city of Denver if it were not merged, as in this amendment provided, into the city and

*.A twentieth article was added to the constitution in 1902.

county of Denver. Any contiguous town, city or territory hereafter annexed to or consolidated with the city and county of Denver, under any of the laws of this state, in whatsoever county the same may be at the time, shall be detached per se from such other county and become a municipal and territorial part of the city and county of Denver, together with all property thereunto belonging.

The city and county of Denver shall alone always constitute one judicial district of the state.

OFFICERS.

SEC. 2. The officers of the city and county of Denver shall be such as by appointment or election may be provided for by the charter; and the jurisdiction, term of office, duties and qualifications of all such officers shall be such as in the charter may be provided; but every charter shall designate the officers who shall, respectively, perform the acts and duties required of county officers to be done by the constitution or by the general law, as far as applicable. If any officer of said city and county of Denver shall receive any compensation whatever, he or she shall receive the same as a stated salary, the amount of which shall be fixed by the charter, and paid out of the treasury of the city and county of Denver in equal monthly payments.

TRANSFER OF GOVERNMENT.

SEC. 3. Immediately upon the canvass of the vote showing the adoption of this amendment, it shall be the duty of the governor of the state to issue his proclamation accordingly, and thereupon the city of Denver, and all municipal corporations and that part of the county of Arapahoe within the boundaries of said city, shall merge officers of the city of Denver and of all included municipalities and into the city and county of Denver, and the terms of office of all of the county of Arapahoe shall terminate; except, that the then mayor, auditor, engineer, council (which shall perform the duties of a board of county commissioners), police magistrate, chief of police and boards, of the city of Denver shall become, respectively, said officers of the city and county of Denver, and said engineer shall be ex officio surveyor and said chief of police shall be ex officio sheriff of the city and county of Denver; and the then clerk and ex officio recorder, treasurer, assessor and coroner of the county of Arapahoe, and the justices of the peace and constables holding office within the city of Denver, shall become, respectively, said officers of the city and county of Denver, and the district attorney shall also be ex officio attorney of the city and county of Denver. The foregoing officers shall hold the said offices as above specified only until their successors are duly elected and qualified as herein provided for; except that the then district judge, county judge and district attorney shall serve their full terms, respectively, for which elected. The police and firemen of the city of Denver, except the chief of police as such, shall continue severally as the police and firemen of the city and county of Denver until they are severally discharged under such civil service regulations as shall be provided by the charter; and every charter shall provide that the department

of fire and police and the department of public utilities and works shall be under such civil service regulations as in said charter shall be provided.

FIRST CHARTER.

Sec. 4. The charter and ordinances of the city of Denver, as the same shall exist when this amendment takes effect, shall, for the time being only, and as far as applicable, be the charter and ordinances of the city and county of Denver; but the people of the city and county of Denver are hereby vested with, and they shall always have the exclusive power in the making, altering, revising or amending their charter, and, within ten days after the proclamation of the governor announcing the adoption of this amendment, the council of the city and county of Denver shall, by ordinance, call a special election, to be conducted as provided by law, of the qualified electors in said city and county of Denver, for the election of twenty-one taxpayers, who shall have been qualified electors within the limits thereof for at least five years, who shall constitute a charter convention, to frame a charter for said city and county in harmony with this amendment. Immediately upon completion, the charter so framed, with a prefatory synopsis, shall be signed by the officers and members of the convention and delivered to the clerk of said city and county, who shall publish the same in full, with his official certification, in the official newspaper of said city and county, three times, and a week apart, the first publication being with the call for a special election, at which the qualified electors of said city and county shall by vote express their approval or rejection of the said charter. If the said charter shall be approved by a majority of those voting thereon, then two copies thereof (together with the vote for and against), duly certified by the said clerk, shall, within ten days after such vote is taken, be filed with the secretary of state, and shall thereupon become and be the charter of the city and county of Denver. But if the said charter be rejected, then, within thirty days thereafter, twenty-one members of a new charter convention shall be elected at a special election, to be called as above in said city and county, and they shall proceed as above to frame a charter, which shall in like manner and to the like end be published and submitted to a vote of said voters for their approval or rejection. If again rejected, the procedure herein designated shall be repeated (each special election for members of a new charter convention being within thirty days after each rejection), until a charter is finally approved by a majority of those voting thereon, and certified (together with the vote for and against) to the secretary of state as aforesaid, whereupon it shall become the charter of the said city and county of Denver, and shall become the organic law thereof, and supersede any existing charters and amendments thereof. The members of each of said charter conventions shall be elected at large; and they shall complete their labors within sixty days after their respective election.

Every ordinance for a special election of charter convention members shall fix the time and place where the convention shall be held, and shall specify the compensation, if any, to be paid to the

officers and members thereof, allowing no compensation in case of non-attendance or tardy-attendance, and shall fix the time when the vote shall be taken on the proposed charter, to be not less than thirty days nor more than sixty days after its delivery to the clerk. The charter shall make proper provision for continuing, amending or repealing the ordinances of the city and county of Denver.

All expenses of charter conventions shall be paid out of the treasury upon the order of the president and secretary thereof. The expenses of elections for charter conventions and of charter votes shall be paid out of the treasury, upon the order of the council.

No franchise, relating to any street, alley or public place of the said city and county shall be granted except upon the vote of the qualified taxpaying electors, and the question of its being granted shall be submitted to such vote upon deposit with the treasurer of the expense (to be determined by said treasurer) of such submission by the applicant for said franchise. The council shall have power to fix the rate of taxation on property each year for city and county purposes.

NEW CHARTERS, AMENDMENTS OF MEASURES.

SEC. 5. The citizens of the city and county of Denver shall have the exclusive power to amend their charter or to adopt a new charter, or to adopt any measure as herein provided:

It shall be competent for qualified electors, in number not less than five per cent. of the next preceding gubernatorial vote in said city and county, to petition the council for any measure, or charter amendment, or for a charter convention. The council shall submit the same to a vote of the qualified electors at the next general election, not held within thirty days after such petition is filed; whenever such petition is signed by qualified electors in number not less than ten per cent. of the next preceding gubernatorial vote in said city and county, with a request for a special election, the council shall submit it at a special election, to be held not less than thirty nor more than sixty days from the date of filing the petition; Provided, That any question so submitted at a special election shall not again be submitted at a special election within two years thereafter. In submitting any such charter, charter amendment or measure, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. Whenever the question of a charter convention is carried by a majority of those voting thereon, a charter convention shall be called through a special election ordinance, as provided in section four (4) hereof, and the same shall be constituted and held and the proposed charter submitted to a vote of the qualified electors, approved or rejected, and all expenses paid, as in said section provided.

The clerk of the city and county shall publish, with his official certification, for three times, a week apart, in the official newspaper, the first publication to be with his call for the election, general or special, the full text of any charter, charter amendment, measure or proposal for a charter convention, or alternative article or proposition, which is to be submitted to the voters. Within ten days following

the vote the said clerk shall publish once in said newspaper the full text of any charter, charter amendment, measure, or proposal for a charter convention, or alternative article or proposition, which shall have been approved by a majority of those voting thereon, and he shall file with the secretary of state two copies thereof (with the vote for and against) officially certified by him, and the same shall go into effect from the date of such filing. He shall also certify to the secretary of state, with the vote for and against, two copies of every defeated alternative article or proposition, charter, charter amendment, measure or proposal for a charter convention. Each charter shall also provide for a reference, under proper petition therefor, of measures passed by the council to a vote of the qualified electors, and for the initiative by the qualified electors of such ordinances as they may by petition request.

The signatures to petitions in this amendment mentioned need not all be on one paper. Nothing herein or elsewhere shall prevent the council, if it sees fit, from adopting automatic vote registers for use at elections and references.

No charter, charter amendment, or measure adopted or defeated under the provisions of this amendment shall be amended, repealed or revived, except by petition and electoral vote. And no such charter, charter amendment or measure shall diminish the tax rate for state purposes fixed by act of the general assembly, or interfere in any wise with the collection of state taxes.

CITIES OF THE FIRST AND SECOND CLASS.

SEC. 6. Cities of the first and second class in this state are hereby empowered to propose for submission to a vote of the qualified electors, proposals for charter conventions and to hold the same, and to amend any such charter, with the same force and in the same manner and have the same power, as near as may be, as set out in sections four (4) and five (5) hereof, with full power as to real and personal property and public utilities, works or ways, as set out in section one (1) of this amendment.

SCHOOL DISTRICTS CONSOLIDATED.

SEC. 7. The city and county of Denver shall alone always constitute one school district, to be known as District No. 1, but its conduct, affairs and business shall be in the hands of a board of education, consisting of such numbers, elected in such manner as the general school laws of the state shall provide, and until the first election under said laws of a full board of education, which shall be had at the first election held after the adoption of this amendment, all the directors of school district No. 1 and the respective presidents of the school boards of school districts Nos. 2, 7, 17 and 21 at the time this amendment takes effect, shall act as such board of education, and all districts or special charters now existing are hereby abolished.

The said board of education shall perform all the acts and duties required to be performed for said district by the general laws of the state. Except as inconsistent with this amendment, the general school laws of the state shall, unless the context evinces a contrary intent,

be held to extend and apply to the said "District No. 1."

Upon the annexation of any contiguous municipality which shall include a school district or districts, or any part of a district, said school district or districts or part shall be merged in said "District No. 1," which shall then own all the property thereof, real and personal, located within the boundaries of such annexed municipality, and shall assume and pay all the bonds, obligations and indebtedness of each of the said included school districts, and a proper proportion of those of partially included districts.

Provided, however, That the indebtedness, both principal and interest, which any school district may be under at the time when it becomes a part, by this amendment or by annexation, of said "District No. 1," shall be paid by said school district so owing the same by a special tax, to be fixed and certified by the board of education to the council, which shall levy the same upon the property within the boundaries of such district, respectively, as the same existed at the time such district becomes a part of said "District No. 1," and in case of partially included districts, such tax shall be equitably apportioned upon the several parts thereof.

Sec. 8. Anything in the constitution of this state in conflict or inconsistent with the provisions of this amendment is hereby declared to be inapplicable to the matters and things by this amendment covered and provided for.

DEFINITIONS.

Acknowledgment. — An acknowledgment is an avowal, before the proper officer, of one's own act, to give it legal validity—applied to deeds, mortgages and other writings. It is certified to by the officer before whom it is taken.

Administrator. — The person appointed by the county court to manage and settle the estate of a person dying without a will.

Appeal.—To appeal a case is to remove it from a lower to a higher court for re-trial or review. Cases may also be taken up on writ of error.

Assault.—An assault is an unlawful attempt coupled with a present ability to commit a violent injury on the person of another.

Assault and battery.—“Assault and battery is the unlawful beating of another.”

Bail.—A prisoner gives bail when he produces persons who promise in writing to pay into the public treasury a certain sum of money, if he, being liberated, does not appear in court on a day specified. If the prisoner cannot give bail he is imprisoned. The Constitution of Colorado declares all offences bailable, except capital offences in which the proof is evident or the presumption of guilt is great.

Change of venue.—When either party to a suit before a justice makes oath that he believes that he cannot have a fair and impartial trial before such justice, it is the duty of the justice to transmit all papers and documents in the case to the nearest justice, who tries the suit. In courts of record changes of venue may be taken for reasons assigned

in the law, such as; prejudice of the judge or people of a county, interest of the judge in the result of the suit, his relationship to either party, etc.

Civil cause.—A civil cause, case or action is an action for the enforcement of or protection of private rights, or the redress or prevention of private wrongs.

Court of record.—A court of record is a court in which an account of the acts and judicial proceedings of the court is written down and preserved for testimony, and which has a clerk and a seal.

Criminal cause.—A criminal cause or action is an action prosecuted in a court of justice in the name of the people, against one or more persons accused of a crime.

Felony.—Felony is the name for crimes of considerable gravity. In Colorado as defined in the Constitution, it is any criminal offence punishable by death or imprisonment in the penitentiary.

Franchise.—A franchise is a right or privilege, granted by a government (including municipalities) to one or more persons, which does not belong to citizens generally, and which cannot properly be exercised by them without such grant.

Freehold.—A freehold is an estate, or interest, in real property, which may descend to heirs, or is held for the life of the holder.

Habeas corpus.—This literally, have you the body. The phrase designates the most emphatic words of a writ, issued by a judge or court, commanding a person who has another in custody or in imprisonment, to have his body before the judge or court at a particular time and place, and to state the cause of his imprisonment. The person whether a sheriff, jailor or other person, is bound to produce the body of the prisoner at the time and place appointed; and if the

prisoner is illegally or improperly in custody, the judge or court will discharge him. Hence it is deemed the great security of the personal liberty of the citizen against oppression and illegal confinement.—*Storey*.

Information.—An accusation by which a person may be brought to trial for a crime without indictment by the grand jury. It is filed by the district attorney on his sworn statement or on the sworn statement of another.

Injunction.—An injunction is an order issued by a court requiring a person to refrain from doing a particular thing, or requiring such acts to be done as will give the plaintiff the full protection to which he is entitled—more often used in the former sense.

Judgment.—A judgment is the final determination by a court of the rights of the parties in a legal action or proceeding.

Jurisdiction.—Jurisdiction in its general sense is the power to make, declare or apply the law. When we say that the jurisdiction of the General Assembly or Governor is limited to Colorado, we mean that the laws made by the General Assembly do not apply to, and that the power of the Governor does not extend to, persons or things outside of Colorado.

When applied to courts it means the power to hear and decide causes and enforce the decisions.

A court is said to have original jurisdiction in any affairs when suits concerning those affairs may be begun in that court.

A court has exclusive jurisdiction in any affairs when suits concerning such affairs can be begun in that court only.

Two courts have concurrent jurisdiction in cer-

tain matters when suits concerning those matters may be brought in either court.

When appeals can be taken from a court to a higher court, the latter is said to have appellate jurisdiction.

Larceny.—Larceny is the wrongful taking of another's personal property, with the intent to deprive him of it permanently. In Colorado, when the value of the thing stolen is twenty dollars or under, it is called petit larceny.

Misdemeanor.—A criminal offence less than a felony punishable by fine or imprisonment in the county jail.

Mandamus.—A writ issued by a court to an inferior tribunal, corporation or person exercising public authority, to compel the performance of an act specified by law as a duty, or to compel the admission of a person to a right or office from which he is unlawfully excluded.

Open venire.—The writ by which jurors are regularly summoned is called a *venire facias*. When this writ directs the sheriff in his discretion to summon jurors it is called an open venire.

Personal property.—This term includes everything subject to ownership except real estate.

Plaintiff.—The person who commences a suit to obtain a remedy for an injury to his rights.

Real estate.—This term includes land and whatever is growing or erected upon it with whatever is beneath the surface.

Summons.—A summons is a writ commanding the sheriff or other authorized officer to notify a certain person or persons to appear in court on a day specified and for a purpose named in the writ.

Writ.—A writ is a writing issued from a court and bearing its seal, commanding a person to do or not to do a certain thing.

Writ of error.—A process issued by a court of appellate jurisdiction to a court of record, requiring such court of record to send the record of an action upon which final judgment has been entered, to the appellate court in order that certain errors alleged to have been made may be examined and the judgment corrected, reversed or affirmed.

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